

International Labour Conference

EIGHTEENTH SESSION
GENEVA, 1934

UNEMPLOYMENT INSURANCE AND VARIOUS FORMS OF RELIEF FOR THE UNEMPLOYED

Second Item on the Agenda



GENEVA
INTERNATIONAL LABOUR OFFICE

1934

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INTRODUCTION

At its Fifty-sixth Session, in January 1932, the Governing Body of the International Labour Office decided to place on the agenda of the Seventeenth Session of the International Labour Conference the question of Unemployment Insurance and Various Forms of Relief for the Unemployed. For the purposes of a first discussion in accordance with the Standing Orders the Seventeenth Session of the Conference was furnished with a preliminary report (a Grey Report) prepared by the Office, which set out the law and practice in this matter in the different countries and concluded with a list of points upon which the Governments might be consulted in preparation for the second discussion. After consideration of this report the Conference decided to place the question on the agenda of its Eighteenth Session and settled the basis for the consultation of Governments with a view to the second and final discussion at that Session. A Questionnaire prepared in accordance with these decisions was despatched to the Governments by the Office in July 1933.

This Report, which is intended to provide the Eighteenth Session of the Conference with the material necessary to enable it to arrive at a decision on the question, is based on the replies to the Questionnaire. In accordance with the usual practice, the replies of the States Members to the Questionnaire are reproduced in Chapter I, and these are followed in Chapter II by a general survey of the problem in the light of the replies. The conclusions to be drawn from the analysis of the replies in Chapter II are summed up in Chapter III, and upon them the Office has based the text of the proposals, appearing at the end of that chapter, which it submits to the Conference with a view to a final decision on the question on the agenda.

When despatching the Questionnaire to the Governments, the Office requested that replies should be sent in not later than 15 November 1933 in the case of European Governments and not later than 1 December 1933 in the case of extra-

European Governments. It was hoped that this would allow a sufficient interval to enable the Office to complete this Report and despatch it in good time to reach the Governments of the more distant countries before the departure of their delegations for Geneva. The first replies were not received, however, until considerably after these dates, and in fact it was not until February 1934 that the Office was in possession of sufficient material to enable it to begin its work. The decision taken by the Governing Body in January 1934 to postpone the opening of the Conference from 11 May, the date originally fixed, to 4 June 1934, gave the Office a somewhat longer time for the completion of its task.

By 28 February 1934, the date at which this Report was closed for the purpose of including replies to the Questionnaire, the Office had received replies from the Governments of the following twenty-six countries : Austria, Belgium, Brazil, Bulgaria, Canada (Province of Manitoba), Chile, Denmark, Estonia, Finland, Great Britain, Hungary, India, Italy, Japan, Lithuania, the Netherlands, New Zealand, Norway, Poland, Siam, Spain, Sweden, Switzerland, Turkey, the Union of South Africa, and Yugoslavia. Any replies that may be received in the course of the next few weeks will be published in a supplementary report.

Geneva, March 1934.

CHAPTER I

REPLIES OF THE GOVERNMENTS

For convenience of comparison, the Questionnaire has been divided into nine sections, corresponding to the broad aspects of the problem, and the replies of the Governments are given in alphabetical order under each of the following headings:

- I. *Form and character of international regulations* (Questions 1-2);
- II. *Definition of unemployment* (Question 3);
- III. *Scope* (Questions 4-9);
- IV. *Benefit conditions* (Questions 10-20);
- V. *Benefits* (Questions 21-25);
- VI. *Resources* (Questions 26-28);
- VII. *Administrative organisation* (Questions 29-30);
- VIII. *Treatment of foreign workers* (Question 31);
- IX. *Possibility of including certain points in the complementary Recommendation* (Question 32).

Certain Governments did not reply in detail to the Questionnaire and their replies are accordingly reproduced below, as a separate group, without subdivision under the above headings.

ESTONIA

The Government has carefully examined the Questionnaire and finds that it contemplates only schemes of benefit by way of insurance or assistance, whereas Estonia for some years past has operated a system of relief works. In the conditions of Estonia this system has given good results and there appears to be no reason for abandoning it in favour of a different system with which the country is not familiar. The Government is therefore unable to pronounce in favour of the adoption of a Draft Convention providing for the payment of benefit to persons involuntarily unemployed. Should the Conference decide in favour of an international regulation of the question the regulation should at all events take the form of a Recommendation.

In view of what has been said and the absence of any practical experience of unemployment insurance, the Government is unable to give detailed replies to the various questions addressed to it.

INDIA

The question of unemployment insurance was first considered by the Government in 1920 in connection with the Recommendation concerning unemployment adopted by the First Session of the International Labour Conference at Washington in 1919. In dealing with this Recommendation the Government expressed the emphatic opinion that no system of unemployment insurance was practicable in India at that time. Recently the question again came under investigation in the course of the enquiry made by the Royal Commission on Labour in India. That Commission reached the same conclusion as the Government of India and stated that they could not regard any national system of insurance with which they were familiar as feasible at present in India. In this connection it may be noted that the system of relief devised to deal with famine or scarcity in rural areas in India, though highly organised and effective, is not of the type which was contemplated by the Grey Report and the discussion on which the Questionnaire is based.

So far as the Government can foresee, there is no prospect of India being able for a long time to ratify any international Convention on unemployment insurance of the kind which was indicated in the discussions at the last Conference, and in the circumstances they are not in a position to make any useful contribution to the solution of the problem before the International Labour Conference. They do not therefore propose to offer opinions on the questions contained in the Questionnaire.

JAPAN

While the Government considers appropriate the principle of taking measures with a view to giving employment to the involuntarily unemployed and of providing for them a pecuniary benefit in certain forms, it is not in a position to give a precise answer at present as to what schemes should be adopted.

LITHUANIA

The Government considers financial assistance to the unemployed to be detrimental. Steps are taken to provide work for the unemployed and for this purpose public works are organised every year at the cost of the State and the municipal authorities. A law is at present in course of preparation providing for the establishment of funds intended for public works which will furnish a solution of the problem of unemployment. When this law has been passed the question of unemployment insurance will likewise cease to have any interest.

NEW ZEALAND

This is a matter that might be left to the individual countries. New Zealand has already made legislative provision for the relief of unemployment and copies of the various Acts are in the possession of the International Labour Office.

SIAM

The Government states that there is at present no unemployment insurance system in operation in the country, and in these circumstances, it is not in a position to furnish any replies to the Questionnaire.

TURKEY

The Government, not having the necessary information at its disposal, regrets that it is not at present in a position to furnish replies to the Questionnaire.

I. FORM AND CHARACTER OF INTERNATIONAL REGULATIONS

1. (a) Do you consider it desirable that the International Labour Conference should adopt a Draft Convention providing for benefit schemes for the involuntarily unemployed ?

(b) Should a complementary Recommendation also be adopted on the same subject ?

2. (a) Do you consider that the Draft Convention should define the system to be applied in the organisation of the benefit schemes, i.e. :

(1) compulsory unemployment insurance; or

(2) voluntary unemployment insurance; or

(3) unemployment assistance; or

(4) a combination of the above three systems, or of any two of them ?

What system do you propose ?

(b) Should the Draft Convention leave the choice of system to national laws or regulations ?

AUSTRIA

The Questionnaire prepared by the International Labour Office covers all the questions that arise out of the regulation of the various forms of relief for the unemployed. It seems preferable, however, to establish only general principles so far as the international regulation of this form of relief is concerned. In each country the arrangements for relief to the unemployed should be adapted to national conditions and needs. It should be possible to incorporate them easily in the administrative machinery and in the organisation of social assistance in general. It follows that too much uniformity in the regulation of unemployment relief cannot be required of the various States Members of the International Labour Organisation.

For the same reasons, the scope of unemployment insurance and its administrative organisation should be the subject of national regulation. Account must also be taken of the state of the national finances when introducing a system of relief for the unemployed. The amount of unemployment benefit to be granted must correspond to the financial possibilities.

The more international regulations are confined to establishing certain principles, questions of detail being left to the different countries, the easier will it be to apply them. The replies to the different questions are as follows :

1 and 2. The Government considers it desirable that a Draft Convention providing for benefit schemes for the involuntarily unemployed should be adopted. It is in favour of the adoption of a complementary Recommendation on various points of detail, which will be mentioned below in the replies to the different questions. These are points which are at present so divergently dealt with by the different States Members that uniform regulation would meet with great difficulties, though at the same time it would be useful to adopt certain general principles concerning them.

The choice of the system to be applied in the organisation of the benefit schemes — compulsory insurance, voluntary insurance, or a combination of systems — should be left to national legislation. The Austrian Government considers, however, that the system of compulsory insurance combined with assistance, such as is in force in most of the chief industrial countries, is to be preferred.

BELGIUM

1. (a) and (b) If the International Labour Conference is to adopt a Draft Convention and a Recommendation, the Government is of opinion that it will be necessary in the drafting of both to give as much elasticity as possible, and systematically to avoid including any provision which might entail non-acceptance by one or more States. The Government's replies to the various questions put are based on this principle.

2. (a) and (b) The Draft Convention should be restricted to voluntary insurance. It is not possible to contemplate the acceptance by the Conference of a Draft Convention based on compulsory insurance, and in these circumstances it would be preferable to restrict the draft to voluntary insurance.

The Recommendation should deal more particularly with the introduction of a system of assistance, following upon the period of voluntary insurance. The financial possibilities of the various States concerned are not all the same and to include an assistance system in the Draft Convention would be calculated to exclude certain States, while the inclusion in the Recommendation of the system of assistance would probably meet with the assent of the delegates to the Conference. The Belgian scheme combines voluntary insurance with a system of assistance after the exhaustion of statutory rights.

BRAZIL

1. and 2. The Government considers that the establishment of an official system of insurance against unemployment would be premature and difficult to bring into operation at present in its country. It is of opinion that the various kinds of relief which it has at its disposal and which are already in operation (official employment agencies and facilities granted to the unemployed to change their place of residence, systematic organisation of settlement) enable it to deal satisfactorily with the problem of unemployment. It contemplates, however, the possibility of giving encouragement and financial assistance to the introduction of unemployment insurance by friendly societies for the benefit of their members.

Entire freedom should be left to the national legislation of each country to choose the system or systems best suited to its needs and special conditions.

BULGARIA

1. (a) The reply is in the affirmative.

2. (a) and (b) The reply is in the affirmative ; a combination of systems 1 and 3.

CANADA

Manitoba

1. (a) and (b) The replies are in the affirmative.

2. (a) Yes ; compulsory unemployment insurance.

(b) The reply is in the affirmative.

CHILE

1. (a) The reply is in the affirmative.

(b) The necessity for a complementary Recommendation would depend on whether the Convention which may be adopted is wide or narrow in its scope.

2. (a) and (b) The Draft Convention should stipulate a system of compulsory insurance.

DENMARK

1. (a) The Government regards it as desirable that as a result of the adoption of an international Convention it should be possible to ensure the payment of benefit to persons involuntarily unemployed in the countries which ratify the Convention.

(b) See the reply under Section IX of the Questionnaire.

2. (a) The Draft Convention should define the systems to be applied for the payment of benefits. In the Danish legislation

it is system No. 2 which is in operation and this is the system which is best adapted to Danish conditions.

(b) The choice between the systems allowed by the Convention should be left to national legislation.

FINLAND

1. Economic, industrial, geographical and other conditions are so different in the various countries that the necessary conditions are lacking for the uniform regulation in all countries of schemes of relief for the unemployed. For this reason, it would appear impossible to prepare a detailed international Convention for the satisfactory regulation of such schemes. It is therefore desirable that the International Labour Conference should restrict itself to the preparation of a general international Recommendation containing suggestions and guiding principles for the regulation of the matter in question.

2. (a) In view of the fact that in several countries different unemployment relief schemes are applied simultaneously, it would hardly be possible to recommend that any particular scheme should be applied everywhere. In Finland there is no compulsory unemployment insurance, but only a voluntary system supported by the State. This scheme is, however, of relatively minor importance, the aggregate number of members in the various insurance funds in 1932 being only about 15,000. For this reason it was subsequently decided to organise unemployment relief on other lines. But as the grant of cash benefits was considered to have a demoralising effect on the unemployed, this method was abandoned in favour of a scheme of public works intended to provide employment for the workless. The organisation of unemployment relief was left almost entirely to the local authorities, State subsidies being granted in accordance with the economic situation and the acuteness of unemployment in their areas. Subsidies are also paid in aid of occupational training centres organised by the local authorities for working women and young persons as well as work depôts opened by them, while loans are made to the local authorities so that they can provide private employers with the funds required to enable them to engage unemployed persons in their undertakings. Finally, the State also organises a large number of relief works in the areas affected by unemployment.

Finland is indeed well-equipped naturally for the organisation of relief works as the vastness of the country and the small population both tend greatly to favour land development and other schemes. As a result of the relatively rapid development of the arrangements for the relief of unemployment, it has been possible to make provision for about one-half of the total number of unemployed, but this still leaves a large number of unemployed persons who have need of relief. Direct relief is granted only to unemployed persons in necessitous circumstances who are unsuited for employment on relief works or in occupational training centres or for whom it is impossible to find some sort of work. Direct relief is granted mainly in the form of public assistance and, above all, in kind.

The sums expended for relief works amounted to about 50 million marks in 1930, to about 65 million marks in 1931 and to about 106 million marks in 1932, this latter sum representing about 4 per cent. of the total expenditure of the State in that year. About 4-5 million marks of the sum expended in 1932 consisted of subsidies to the local occupational training centres and work depôts, this amount representing about 50 per cent. of the total expenditure of those institutions.

In addition, 350 million marks were granted in the autumn of 1932 to promote the organisation of special relief works to be carried out mainly in 1933.

(b) The answer is in the affirmative.

GREAT BRITAIN

1. (a) and (b) The reply is in the affirmative to both questions.

2. (a) Yes; compulsory unemployment insurance. At this stage the United Kingdom would not contemplate a Convention on a scheme other than contributory unemployment insurance. Having regard to the lack of experience generally and the widely differing methods at present in operation in different countries for providing for able-bodied persons without the means of livelihood, it is not considered that it would be useful or appropriate at this stage to do more than recommend a study of the problem of methods outside unemployment insurance including unemployment assistance. The answers given to later questions consequently relate to a compulsory insurance scheme.

(b) The reply is in the negative.

HUNGARY

The Government of Hungary is of opinion that the economic evils from which workers suffer owing to unemployment cannot be removed by any social insurance scheme. The basis of all insurance, including social insurance, is the distribution of the burden of individual misfortunes over a large number of persons and a long interval of time. This distribution cannot be effected in periods of economic depression, when private insurance schemes are equally incapable of discharging their function. Unemployment insurance can function properly only when cases of unemployment occur in small numbers within the normal limits of economic life and when their duration is not excessive. In all the States where unemployment has assumed catastrophic dimensions, it is impossible for benefits to be provided solely out of contributions, and the State, along with other public authorities, must make up the deficiency of the insurance system. The Hungarian Government, which had already introduced legislation dealing with insurance against sickness and accidents in industry, proposed some years ago to introduce unemployment insurance and drafted a Bill on the subject, but the world economic crisis has compelled the Government to regard its work in the sphere of social insurance as having been completed, at least for the time

being, with the introduction of old-age, invalidity, and orphans' insurance.

As regards unemployment insurance for agricultural workers, account must be taken of the seasonal character of agricultural work, as a result of which periodic unemployment is inevitable, and a remedy for this cannot be found in a system of unemployment insurance.

The Government of Hungary shares the opinion expressed in last year's Report by the Director of the International Labour Office that the real means of combating unemployment is to be found in the creation of work, the investment of capital, the organisation of the labour market and the putting into execution of the plan drawn up by the Economic Committee of the League of Nations for the carrying out of large-scale international public works. The Hungarian Government in recent years has provided employment for the unemployed by means of public works and, in the interests of the part of the population which could not be helped in this fashion, it has encouraged charitable work and made use of public assistance. For these reasons the Government of Hungary is of the opinion that in the present economic circumstances it is impossible to introduce unemployment insurance to cover either industrial or agricultural workers, but it considers that it would be desirable to assist those who are suffering from unemployment and cannot be employed on public works through the adoption of a Draft Convention or a Recommendation. The Government of Hungary accordingly gives detailed replies only to the questions concerning public assistance for the unemployed.

1. (a) The Hungarian Government considers that it would be desirable for the International Labour Conference to adopt a Draft Convention providing for benefit for the involuntarily unemployed. This Draft Convention, which should be based on the principles formulated in December 1933 by the Conference of Experts convened by the League of Nations to consider the question of assistance to foreigners, should apply to the unemployed all the rules laid down by that Conference for other classes of necessitous persons.

(b) The Hungarian Government considers that it is desirable to adopt recommendations in respect of the unemployed similar to the recommendations adopted by that Conference.

The Government points out that under Decree No. 6000-1931 M.E., which has the force of law in Hungary, the duty of assisting necessitous persons in Hungary devolves on the commune in which such persons are resident, whatever may be their nationality, and without any condition of reciprocity on the part of their country of origin. It would similarly be impossible to make distinctions between Hungarians and foreigners in regard to relief works or other action designed to cope with distress. The Hungarian Government considers it desirable that these humanitarian principles should be respected in every aspect of international life.

2. (a) As in the view of the Hungarian Government the world economic crisis makes it absolutely impossible to introduce social

insurance against unemployment the Draft Convention could not include either compulsory insurance or voluntary insurance. It is, however, desirable to adopt a Draft Convention on assistance for the unemployed in accordance with the reply given to Question 1.

(b) The choice of system and the methods and amount of the assistance to be given should be left to be settled by national laws or regulations.

ITALY

1. (a) and (b) The Italian Government is of opinion that the International Labour Conference should adopt a Draft Convention involving an obligation to pay benefit to persons involuntarily unemployed and a complementary Recommendation laying down the lines which should be followed by national legislation on the matters which could not be dealt with in the Draft Convention.

2. (a) and (b) The payment of benefit to persons involuntarily unemployed should be guaranteed by a system of compulsory insurance.

NETHERLANDS

1. (a) The Government would have no objection to the drawing up of a Draft Convention such as is here contemplated.

(b) If a Recommendation should be necessary in view of the observations of other Members, the Government would not oppose it.

2. (a) The reply is in the affirmative. The Government prefers a system of voluntary insurance supplemented as may be necessary, in times of unemployment on a large scale, by a system of unemployment assistance. An emergency fund such as that contemplated in Question 28 would contribute at a period of crisis to enable the insurance system to operate for a longer period than would be possible without such a fund, and would also help to ensure that the scheme for supplementary assistance would not have to be put into operation, or would be operated only to a very limited extent.

2. (b) The reply is in the affirmative.

NORWAY

1. (a) and (b) The replies are in the affirmative.

2. (a) and (b) A system of compulsory unemployment insurance combined with a system of unemployment assistance is preferred. The choice of system should be left to national laws. The Draft Convention should however lay down that a system of voluntary unemployment insurance shall not be deemed to satisfy the requirements of the Convention unless certain guarantees have been provided for. It should, for example, be required that the voluntary system must cover a minimum fraction of the workers

who would have been covered by a compulsory system based on the provisions laid down in the Draft Convention. Supplementary measures for the uninsured work people should also be provided for under a voluntary system.

POLAND

1. (a) The Government considers it indispensable that the question of benefits for the involuntarily unemployed should be regulated by a Draft Convention. The problem is of exceptional importance, and it can be dealt with internationally and effectively solved only by the adoption of a Convention.

(b) Yes; a complementary Recommendation should deal with the questions which are not sufficiently ripe to be the subject of a Convention, or the inclusion of which in a Draft Convention might, in view of the legislation of certain countries, make the ratification of the Convention difficult.

2. (a) The Draft Convention should be based on the system of compulsory insurance. Along with compulsory insurance, the Convention should stipulate for the setting up of a system of public assistance for unemployed workers who have either not yet acquired the right to insurance benefits or have exhausted their right.

(b) The choice of the system of assistance should be left to national laws or regulations.

SPAIN

1. (a) and (b) In view of the variety of questions to be dealt with and of the differences between the countries which will have to apply the regulations, it would be desirable to adopt regulations in both forms, part of the subject-matter being dealt with within the stricter limits of a Draft Convention and the remainder within the wider scope of a Recommendation.

2. (a) and (b) In view of the diversity of the conditions in which the problem presents itself and of the flexibility which is required as regards the system to be adopted for dealing with the problem, this point should be left to be settled by national legislation.

SWEDEN

1. (a) Yes, a Draft Convention alone appearing to offer an assurance that the proposed regulation will be sufficiently effective.

(b) In view of the fact that in order to facilitate general adoption by the States Members Conventions should as far as possible avoid entering into details, a complementary Recommendation would probably be desirable.

2. In the Draft Conventions concerning old-age, invalidity and widows' and orphans' insurance the International Labour Conference struck out on what was in one sense a new path by

introducing clauses relating both to compulsory and voluntary insurance and thus rendering possible two alternative solutions of the problem. In conformity with this method, which obviously tends to facilitate ratification by a larger number of States, it seems advisable that the proposed Draft Convention should leave the States Members themselves to choose the type of benefit scheme they prefer. In the present case the Draft Convention should be confined to a few general principles sufficient to ensure the provision of adequate relief.

Apart, however, from the difficulty of drafting these principles in satisfactory form, the above method is perhaps not the best possible way of laying down guiding rules and securing the protection which may reasonably be demanded of international labour Conventions. There is still another method which is rational in itself and therefore appears worthy of consideration, i.e. a combination of unemployment insurance, the organisation of public works, and cash relief. Unemployment insurance, in respect of which the Convention should leave the States Members free to choose between voluntary and compulsory schemes, would enable the unemployed to support themselves during occasional interruptions in their regular employment and during the first stages of long spells of unemployment. Side by side with unemployment insurance, the general system of unemployment relief should include provision for the organisation of public works and for cash relief. The two latter forms of relief would be intended for workers who had not acquired or who had already exhausted their right to unemployment insurance benefit. When unemployment is prolonged, the provision of work is from many standpoints the most desirable form of assistance for persons capable of performing the work provided, and it is also necessary in some cases as a test of willingness to work. Cash relief should be limited as far as possible to periods of intense unemployment, when it is called for owing in particular to the difficulty of organising public works on an adequate scale.

The replies given below nevertheless relate primarily, like the questions themselves, to unemployment benefit schemes in the form of unemployment insurance.

SWITZERLAND

Switzerland is deeply interested in the problems under discussion. Economic and social conditions in recent years have shown most conclusively that employed persons must be protected against the dangers of unemployment by means of special institutions. The more unemployment comes to be regarded as an occurrence the beginning and extent of which it is impossible to predict, the more it would seem desirable to develop the measures taken on behalf of the unemployed to establish welfare institutions of a permanent character and to make the most of relatively prosperous years to improve their organisation and financial position.

In view of the great responsibilities of a social character which this fact imposes on States, Switzerland is ready to co-operate actively in the preparation of international regulations. The Swiss Government would therefore support in every possible way all steps taken by the International Labour Office with a view to the

establishment of a Convention in this field. In view of the fact that the Recommendation adopted at Washington in 1919 has not led to satisfactory results in all countries, a second Recommendation would probably not be likely to promote the development of systems for the relief of the unemployed which would everywhere be more or less uniform in character.

The Swiss Government feels bound, however, to point out at once that so far as Switzerland is concerned the proposed Convention must be confined to the basic principles of unemployment relief and must embody no stipulation as to the adoption of certain definite measures or systems. This reservation is dictated by the principles at the base of the Swiss Constitution. Legislative authority is vested in Switzerland in the federal and the cantonal authorities. As the law stands at present, the federal authorities are entitled to legislate for the whole of Switzerland only on such matters as are expressly reserved to them by the Federal Constitution, and the matters so reserved do not include unemployment relief. For this reason, the Federal authorities have had so far to restrict their activity to the payment of subsidies to the institutions providing unemployment relief and to the exercise, through the conditions upon which these subsidies are granted, of an influence on the development of their work. At the present time it would, for example, hardly be possible for the federal authorities to introduce compulsory insurance for all, or certain classes of workers, or to oblige the employers to take part financially or administratively in the organisation of any given unemployment relief system. In Switzerland, as a federal State, such rights are vested solely in the Cantons. In consequence Switzerland will be able to adhere to a Convention providing for benefits for persons involuntarily unemployed only if the provisions of the Convention are restricted to general principles. It is on this account that the Swiss Government is obliged to adopt a somewhat reserved attitude when the preparation of a Convention is being envisaged.

In order that the conditions which govern the Swiss attitude may be more fully understood, the Swiss Government wishes to point out that, in spite of the constitutional difficulties referred to above, Switzerland possesses a well-organised system of unemployment relief. Unemployment insurance constitutes the essential element of this scheme, which has been completed during the course of the present depression by the grant of special emergency benefit to unemployed persons.

Unemployment insurance is based on the Federal Act of 17 October 1924 concerning the grant of subsidies towards unemployment insurance, and three complementary Ordinances of 9 April 1925, 20 December 1929 and 26 December 1932. Under the Act, the Confederation makes grants to funds which fulfil certain conditions towards the cost of unemployment benefit paid out by them in accordance with their rules. The Federal Government may approve public funds, joint funds (managed jointly by employers and workers), and trade union funds (managed by the workers' trade unions). In normal times the federal subsidy amounts to 40 per cent. of the benefit paid by the first two groups of funds and to 30 per cent. of that paid by the third group. The amount of this subsidy may be increased in times of depression. The conditions

imposed on the funds by the Act and complementary Ordinances deal mainly with the organisation of the funds, the conditions under which the insured become entitled to insurance benefit, the amount of such benefit and its duration.

When the Federal Act came into force, the Cantons, stimulated by the lead given by the federal legislature, immediately took steps to promote the development of unemployment insurance. All the 25 Cantons of the Swiss Confederation, with the exception of Upper Unterwald, where most of the inhabitants are engaged in agriculture and the population of which forms only about 0.5 per cent. of the total population of Switzerland, have adopted legislation on unemployment insurance. Thirteen of the Cantons have established compulsory insurance for all or for certain classes of workers; the others have provided by legislation for the payment of subsidies to unemployment insurance funds, certain of them requiring the communes to share in the cost of unemployment insurance. The conditions imposed by the Cantons for the grant of subsidies generally correspond to those laid down by the Federal authorities.

As a result of the legislation adopted by the Confederation and the Cantons, unemployment insurance has steadily developed. The following table, which covers the period 1925-1932, shows the increase in the number of the approved funds, the total number of persons insured, the total amount of benefit paid, and the total amount of the subsidies granted by the Federal, cantonal and communal authorities.

	Total number of approved funds	Total number of insured persons	Total amount of benefit paid	Total amount of subsidies granted
			Francs	Francs
1925	60	149,650	2,568,000	1,846,000
1926	105	165,500	4,278,000	2,595,000
1927	159	240,900	6,085,000	4,084,000
1928	167	261,670	5,392,000	3,674,000
1929	174	292,450	6,833,000	4,897,000
1930	189	324,770	16,735,000	13,477,000
1931	211	416,800	37,943,000	approx. 29½ millions
1932	193	496,000	approx. 65 millions	approx. 53½ millions

The average rate of daily benefit (average amount of benefit paid to all insured persons in receipt of benefit throughout the country) has varied during recent years between 4.32 and 5.38 francs. The normal duration of benefit is 90 days a year. Since the beginning of the economic depression, the duration of benefit has been increased every year for insured persons belonging to industries affected by the depression. It was increased in the first place to 120 days, then to 150 days and finally to 210 days in 1931. As the funds would have been unable to meet such heavy liabilities, unemployment insurance was subsequently supplemented by a system of emergency benefit (see below), which enabled the benefit period to be reduced to 120 days.

In order to assist unemployed persons in necessitous circumstances in certain industries seriously affected by the depression,

18 Cantons have introduced since 1932 emergency benefit for the unemployed. As no contributions have to be paid in order to obtain benefit under this system, this benefit is merely a form of assistance supplementary to unemployment insurance, for as a rule only insured persons who have exhausted their right to the statutory benefits of the funds are entitled to receive it. In order to help the Cantons to carry out this scheme, the federal authorities grant them subsidies on certain conditions which are laid down in the Federal Order of 23 December 1931 relating to emergency benefit for unemployed persons, which was replaced by the Federal Order of 13 April 1933 and the two Ordinances A and B regulating the grant of emergency allowances to unemployed persons in the watchmaking industry, the metal and engineering trades and the textile industry. These two Ordinances will be repealed as from 1 December 1933 and replaced by Ordinance C of 23 October 1933 regulating the grant of emergency allowances to the unemployed. Up to the present emergency relief has been granted to unemployed persons in the watchmaking industry, the metal and engineering trades and the textile industry. In addition, similar allowances were paid during 1933 to workers with family responsibilities in the building industry in certain districts severely affected by the depression and unemployed persons with family responsibilities, irrespective of the trade to which such persons belonged, in districts in which the depression was particularly acute. During 1932 the Cantons spent about 11,070,000 francs in emergency relief to about 27,700 unemployed; the federal subsidies towards this expenditure amounted to roughly 5,278,000 francs. In 1933 the expenditure of the Cantons will probably amount to 14,000,000 francs, of which 7,000,000 francs will be borne by the federal authorities. These sums do not include supplementary emergency benefit, winter benefit, etc., granted by certain Cantons from their own resources without assistance from the Confederation.

To sum up, the Swiss Government ventures to say that it considers that the international regulation of benefit schemes for the unemployed is in principle desirable, and that such schemes are relatively well developed in Switzerland, both as regards their scope and the rate of benefit. Nevertheless, Switzerland hopes that the Convention will avoid imposing on States any obligations as to certain points, as Switzerland might not be able to ratify such a Convention for constitutional reasons. In the opinion of the Swiss Government, the Convention should only cover fundamental principles, in order to allow the great majority of the industrial States concerned to accept international regulations.

Finally, the Swiss Government considers that there should be a complementary Recommendation to deal with questions which are of some importance but which cannot be included in the Convention.

1. (a) Yes, provided that the Draft Convention includes only fundamental principles concerning unemployment relief schemes, and leaves the States to regulate questions of detail.

(b) Yes; various important questions which cannot be dealt with in the Convention should be made the subject of a complementary Recommendation.

2. (a) No, the Government considers that the Draft Convention should not define the system to be applied in the organisation of the benefit schemes. The fact that the need for such schemes varies considerably with economic conditions and the cost of living from one occupational group to another and from one district to another is a fundamental reason for leaving the different States free to choose the systems they desire to apply. Furthermore, so far as Switzerland is concerned, it should be remembered that reasons of a constitutional character might prevent the strict application of one of the systems proposed. The Government considers it desirable that all the systems proposed, as well as a combination of two or three of them, should be authorised. In the light of past experience, the Government feels able to recommend the Swiss scheme, which is a combination of the various systems and includes compulsory insurance, voluntary insurance and various methods of relief.

In order, however, to ensure the fulfilment of the purpose of the Draft Convention, the systematic development of assistance might perhaps be promoted by means of a provision of a general character. This provision might require the contracting States, for example, to undertake to introduce organised measures enabling them to assist unemployed persons without having recourse to poor relief.

(b) The reply is in the affirmative.

UNION OF SOUTH AFRICA

There is at present no State system of unemployment insurance in the Union of South Africa, but the Government is contemplating the introduction of an Unemployment Insurance Bill during the next Parliamentary Session. It is the intention that this measure should provide for compulsory insurance in certain specified organised industries, and the employers and employees in those industries, together with the State, will be required to contribute.

Unemployed persons who do not fall within the scope of the proposed Bill will continue to be assisted by governmental and other systems of relief. The presence of a large non-European population, many of whom reside in Native Reserves and are only intermittently employed, in the generally recognised European sense of the term, renders the provision of a universally applicable system of unemployment insurance impracticable.

1. (a) The reply is in the affirmative.

(b) Yes. Owing to the considerable variation in method likely to be adopted by the different States in providing benefit, it would seem desirable that much of the detail should be incorporated in a complementary Recommendation rather than in the Convention itself. Further, certain provisions which, if included in the Draft Convention, might render ratification by some States Members difficult or even impracticable would, however, if incorporated in a complementary Recommendation, be of considerable value as a guide, and would lead to a greater degree of uniformity in the systems adopted.

The points which it is considered may be more appropriately dealt with in the complementary Recommendation have been noted under each question.

2. (a) No; the choice of the actual system should be left to the individual States. The present proposals of the Government of the Union of South Africa contemplate a combination of the systems referred to in (1) and (3).

(b) The reply is in the affirmative.

YUGOSLAVIA

1. Having regard to the fact that the industries of Yugoslavia are still new and undeveloped and would be unable to bear the same charges as the industries of countries which are more highly developed, and to the fact that the number of skilled workers in the country is not high, the Government is of opinion that the international regulations concerning benefit for the involuntarily unemployed should take the form of a Recommendation.

2. The Recommendation should provide for a scheme of compulsory insurance for the more important classes of skilled workers and for a scheme of assistance for other classes of workers. The question of the classes of workers to receive benefit under one or the other scheme should be left to be determined by national legislation. It might also be provided that workers insured against unemployment who have exhausted their right to benefit under the compulsory insurance scheme should be entitled in periods of depression to a special emergency benefit, seeing that in most cases these workers have no means of livelihood other than their wages.

II. DEFINITION OF UNEMPLOYMENT

3. Do you consider that the Draft Convention should include a definition of "unemployment" for the purpose of its provisions? What definition do you propose for (a) total unemployment, (b) short time?

AUSTRIA

3. It does not appear possible to give a uniform definition of unemployment. If, however, such a definition should be included in the Draft Convention, it will be necessary to provide that only regular workers, that is to say, persons whose livelihood depends on regular paid work, should be considered as unemployed persons entitled to benefit, to the exclusion of persons engaging in such work only occasionally. It would appear desirable to describe in the complementary Recommendation the principal characteristics of total unemployment and short time to be taken into account for the purposes of unemployment relief.

BELGIUM

3. The Draft Convention should include a definition of unemployment, but should do so by defining the conditions in which unemployment would give a title to benefit.

Definition. — Unemployment is a lack of work which affects a person who is normally engaged as a wage earner or salaried employee and which is due to some cause independent of his own will other than physical incapacity.

(a) "Total unemployment" is unemployment affecting a worker whose contract of service has been terminated by the employer and who has given evidence of his intention to find other employment.

(b) "Intermittent unemployment" is unemployment affecting a worker whose contract of service has not been terminated but in whose case the normal quantity of service rendered, and consequently the earnings, have been reduced owing to lack of work.

BRAZIL

3. No, such a definition is not required by the conditions in Brazil.

BULGARIA

3. The reply is in the affirmative.

CANADA

Ontario

3. Yes : total unemployment.

CHILE

3. The reply is in the affirmative.

(a) Total unemployment means the complete inability of a person who is fit for work and willing to work to find employment.

(b) Short time occurs when a worker who is fit for work is forced, by circumstances beyond his control, to work for less than the normal number of days or hours or to perform less than the normal amount of work, with a consequent reduction in pay or earnings.

DENMARK

3. It is not necessary that the Convention should include a definition of "unemployment" and so far as possible any such definition should be avoided as being likely to lead to the exclusion of cases which ought to be taken into account. Danish legislation does not include any such definition. It provides simply for benefit in case of "unemployment". The Danish law on unemployment of 20 May 1933, which came into force on 1 October 1933 provides, however, that benefit shall not be paid "to members who are in work and whose hours of work have been reduced by one-third or

less". The Convention should provide that benefit should not be payable when there has not been a substantial reduction in the normal hours of work, for example, when the duration of work is reduced by only a third or less, "short time" being deemed to exist only when the reduction of the normal hours exceeds this limit.

FINLAND

3. (a) It is considered that unemployment insurance should not cover: (1) persons who are not capable of work, (2) persons who are continually in receipt of public relief, (3) persons unemployed through their own fault, (4) persons who, without sufficient reason, refuse to accept work for which they are suited, provided that the work offered is not in an undertaking affected by a strike or lock-out and that the wage offered corresponds to the usual rate of the district in question; if, however, the work is paid or subsidised out of public funds, the wage may be fixed at a slightly lower rate and if the employment offered is in another district a lump sum must be granted to cover the cost of the unemployed person's journey there and back.

(b) It is desirable that the unemployment insurance system should cover short time, that is to say, that unemployment benefit should also be granted when the weekly hours of work are reduced on account of a shortage of work to thirty-two hours or less over a period of at least three weeks, with a corresponding reduction of wages. In such cases benefit should be fixed in proportion to the number of working days or hours lost by the person concerned.

GREAT BRITAIN

3. The definition of unemployment for the purposes of the insurance scheme should be related to some period of time during the whole of which the person's condition should be as defined. The period suggested is one day. The following definition applicable both to total unemployment and to periods of suspension due to short time is suggested:

" (i) A person is unemployed on any day —

(a) on which he does no work under a contract of service, *and*

(b) in respect of which he is not entitled to wages under a contract of service, *and*

(c) on which he is not following any occupation from which he derives remuneration or profit, *and*

(d) which is not a day of holiday at the establishment where he works.

" (ii) He may also be deemed to be unemployed on any day on which he follows a subsidiary employment or other occupation which could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment provided that the remuneration or profit derived from his

subsidiary employment or occupation does not exceed limits to be determined by national legislation.

“ (iii) He may be deemed to be not unemployed, notwithstanding that his employment has terminated, on any day in respect of which he continues to receive wages or receives compensation for the loss of and substantially equivalent to the wages which he would have received if the employment had not terminated.”

HUNGARY

3. The Draft Convention should include a definition of unemployment in order to determine its scope.

(a) A person should be considered as wholly unemployed if he is unable, through no fault of his own, to obtain employment either in his own trade or in another trade suited to his physical and mental powers.

(b) A person should be considered as partially unemployed if owing to a reduction in the time during which he is employed, for which he is not himself responsible, his earnings are insufficient to ensure a subsistence for himself and his family.

ITALY

3. It is not indispensable that the Draft Convention should include a definition of unemployment giving a right to benefit. Such a definition might be relegated to the complementary Recommendation and the following definitions are suggested. Total unemployment is the state of inactivity suffered by a worker in spite of his intention to find work and in spite of his physical fitness to carry on his trade or calling. Partial unemployment is the state in which a worker finds himself when, owing to causes independent of his own will and his physical fitness, he gives his services for less than half the time which is recognised in the labour market as the normal for the particular kind of employment.

NETHERLANDS

3. A definition of unemployment does not seem to be necessary.

NORWAY

3. It seems difficult and hardly necessary to lay down in the Draft Convention a general definition of “unemployment”. Short-time workers should be considered as unemployed, but the different questions which arise in connection with these workers should be dealt with in national laws.

POLAND

3. The Draft Convention should include a definition of the unemployed person entitled to benefit rather than a definition of unemployment.

(a) The Government proposes the following definition of a person who is wholly unemployed :

A person is " wholly unemployed " who is ordinarily engaged in wage-earning or salaried employment and who, though capable of work and willing to work, is without employment owing to circumstances over which he has no control.

(b) The question of benefits for persons on short time should be dealt with in the complementary Recommendation, and a definition of short time should be included in it. The Government proposes the following definition :

A person is on short time who is ordinarily engaged in wage-earning or salaried employment and who is able and willing to work but whose weekly earnings are reduced, by reason of the limitation of production, to a sum below the standard rate for three days' work.

SPAIN

3. The Draft Convention should include a definition of unemployment in order to delimit clearly the scope of the insurance. The definitions adopted by Spanish legislation are as follows :

Fifth Fundamental Rule of the Decree of 25 May 1931 :

A person is deemed to be suffering from involuntary unemployment if, owing to causes independent of his own will, he is unable to obtain adequate employment in his usual occupation, to the exclusion of unemployment due to the physical incapacity of the worker (owing to accident, ordinary or occupational disease, invalidity or old age) or to labour disputes (strikes or lock-outs).

Section 25 of the Regulations of 30 September 1931 :

A person is deemed to be involuntarily unemployed if, owing to causes independent of his own will, he is unable to obtain adequate employment at his usual occupation, excluding unemployment due to the physical incapacity of the worker or to labour disputes. Consequently the State will not grant any subvention, even if the primary fund pays benefit, in the case of unemployment due to any voluntary cause, to accident, to sickness, maternity, invalidity or old age, or to a strike or lock-out. Workers will, however, be regarded as involuntarily unemployed if they lose their wages as the result of a strike or lock-out which occurs in a trade or industry distinct from their own but which prevents them from being employed, provided that the strike or lock-out in question has not been declared with the assent of the persons concerned or with the organisations to which they belong, and provided that they are not directly interested in the result of the dispute.

SWEDEN

3. It does not appear necessary to include definitions of " unemployment ", " total unemployment " and " short time " in the proposed Draft Convention.

SWITZERLAND

3. The Government considers that general criteria should be adopted in defining unemployment for the purpose of the Convention. It is extremely difficult to define unemployment as such, and it would therefore be advisable, in the opinion of the Govern-

ment, to take as a basis the conditions which, would entitle persons to be considered as unemployed within the meaning of the Convention, since certain factors which may exercise a decisive influence depend upon the unemployed worker's personality. The Government therefore proposes the following definition, which allows a distinction to be made between the persons who would and those who would not come within the scope of the protection afforded by the Convention :

“ For the purpose of this Convention all persons who habitually exercise a regular occupation for remuneration, who are willing to work, who are suitable for employment, and who, for the time being, are unable to earn their usual remuneration through no fault of their own, shall be deemed to be unemployed ”.

On the other hand, the Government does not consider it necessary to make a distinction between total unemployment and short time, as it would seem almost impossible to find a formula likely to be approved by all the States. It is true that the termination or the maintenance of the contract of employment is in most cases the determining factor in making this distinction, but, according to the provisions of Swiss legislation and the manner in which these provisions are applied, exceptions are made to this principle under special provisions relating to the assessment of benefit ; thus, remuneration earned during the period taken into consideration for the assessment of benefit is deemed to be remuneration for the purposes of the provisions relating to short time. Switzerland pays, for example short-time benefit to a person who works by the day and has worked for only a few days during a fortnightly pay period, even although he is not bound by any contract of employment at the time he draws benefit. Full benefit is payable, on the other hand, to insured workers who are completely unemployed during a fortnightly pay period, even although their contract of employment has not been terminated. As the Swiss rules for the assessment of benefit have been tested and found satisfactory, it would be very difficult for the Swiss Government to diverge from them for a matter of form, that is to say, on account of a provision laying down a definition of the differences between complete unemployment and short time.

The Government therefore proposes that no attempt should be made to distinguish between total unemployment and short time. Nevertheless, in order to bring within the scope of the Convention all forms of unemployment likely to be considered, the general principle should be laid down that benefit should be payable both in the case of the termination of a contract of employment and in the case of a simple reduction (of days or hours) in the duration of the working period, provided that such reduction is fairly substantial. With regard to this latter point, the Government refers, as an example, to the provision under Swiss law that the reduction of working hours or days gives a right to benefit only if it exceeds, in a pay period of 14 days, 30 per cent. of the normal working time in the case of persons living alone, or 20 per cent. in the case of family breadwinners.

Sometimes the term “ short time ” is also used to cover cases where a worker is subjected to a loss of earnings not as the result

of a reduction of hours of work but on account of a decrease in the means of production (decrease in the number of machines in use, temporary stoppage of certain machines, etc.). The Government does not consider that this form of unemployment should come within the scope of the Convention, as this might lead to reductions in wages having to be met by the unemployment benefit schemes.

UNION OF SOUTH AFRICA

3. Whilst it may be necessary to indicate that the Convention is not concerned with unemployment arising from causes such as sickness, accident, invalidity or old age, it seems undesirable to circumscribe its scope by strict definition. Subject to the above, application of the Convention should be left to the national authority.

YUGOSLAVIA

3. Unemployment means a total or partial lack of work suffered by a worker either involuntarily or voluntarily but for good reason.

(a) Total unemployment means a lack of work resulting in the complete loss of the only economic resources available to provide the minimum means of livelihood.

(b) Partial unemployment means a lack of work resulting in a partial loss of the only economic resources available to provide the minimum means of livelihood.

III. SCOPE

4. (a) Do you consider that the Draft Convention should apply only to wage earners and salaried employees ? ¹

(b) Should it apply to all wage earners and salaried employees, or should provision be made for exceptions for certain categories ?

5. (a) Do you consider that the Draft Convention should provide for including in the benefit scheme agricultural workers, or in this connection only forestry workers, or only horticultural workers and gardeners ?

(b) Should all or any of these categories of workers be included in the general benefit scheme applicable to other workers, or in a special scheme ?

6. Do you consider that the Draft Convention should allow for exceptions in respect of :

(a) domestic workers ;

¹ Cf. also *post*, Question 9.

- (b) home workers ;
- (c) workers engaged in employment of a relatively permanent character ;
- (d) non-manual workers whose earnings exceed a certain sum ;
- (e) workers whose employment is of a seasonal character ;
- (f) workers whose employment is of a casual nature ;
- (g) workers who have not yet reached a certain age ;
- (h) workers who exceed a certain age ;
- (i) apprentices ;
- (j) student employees ?

7. Do you consider that the Draft Convention should specify the categories of workers for whom exceptions may be allowed, or that it should leave it to national laws or regulations to determine the exceptions ?

8. Do you consider that provision should be made in the Recommendation for including in a benefit scheme as soon as possible all or some of the categories of workers for whom exceptions are allowed by the Draft Convention ?

9. Do you consider that provision should be made in the Recommendation urging Members to study the possibility of including in a benefit scheme certain classes of persons working on their own account ?

AUSTRIA

4 to 9. The Draft Convention should apply only to paid workers. It should in principle cover all paid workers, both wage earners and salaried employees, excluding, however, agricultural and forestry workers and also excluding gardeners to the extent that gardeners may be considered as belonging to the group of agricultural occupations.

The exceptions specified in Question 6 should be authorised, but it should be left to national laws or regulation to decide the particular exceptions to be made.

The question whether, and if so under what conditions the categories of workers excluded from the insurance scheme or certain classes of persons working on their own account should be included in a benefit scheme should be left to be settled by national laws or regulations. A Recommendation of the kind suggested could not be agreed to.

8 and 9. See the reply to Question 4.

BELGIUM

4. (a) The Draft Convention should apply to wage earners and salaried employees.

(b) The Draft Convention should include a general provision as to exceptions but should leave these to be determined by national legislation. It would in fact be dangerous to restrict the liberty of the ratifying States on this question, which may present itself under very different conditions from one country to another.

5. (a) There should be no question of including agricultural workers in a general system of benefit in case of involuntary unemployment. The working conditions of agricultural workers are peculiar and vary substantially from one country to another, and it would consequently be preferable not to include them in the general benefit system to be dealt with by the Convention. Several States have examined the question of extending insurance to this category of workers, but up to the present it would seem that the nature and conditions of work of the persons concerned are too divergent to permit, for example, the application of the measures of control and supervision that are necessary in dealing with involuntary unemployment.

(b) The possibility of adopting a special system of insurance might be included in the Recommendation complementary to the Draft Convention.

6. As has been stated in reply to Question 4 (b), the Draft Convention should admit the principle of exceptions but should *expressly* leave the details of the exceptions to be settled by national laws or regulations.

7. For the reason given in reply to Question 4 (b), the Draft Convention should leave the exceptions to be determined by national laws or regulations.

8. The Recommendation might perhaps provide for an examination of the question of establishing a special benefit scheme for home workers and seasonal workers.

9. No, unemployment insurance should apply only to wage earners and salaried employees.

BRAZIL

4 to 9. In a country such as Brazil relief to the unemployed should be very wide in scope and include assistance under certain conditions to workers of all categories without distinction who are involuntarily unemployed.

BULGARIA

4. (a) The reply is in the affirmative.

(b) The Draft Convention should not apply to wage earners who have not yet reached 15 years of age or to nationals of foreign States.

5. (a) To all workers.

6. The Draft Convention should allow for exceptions in respect of categories (d), (g) and (i).

7. The Draft Convention should leave it to national laws or regulations to determine the exceptions.

8. The reply is in the negative.

9. The reply is in the negative.

CANADA

Manitoba

4. (a) The reply is in the affirmative.

(b) Provision should be made for exceptions.

5. (a) The reply is in the affirmative.

(b) Special scheme.

6. (a) The reply is in the negative.

(b) The reply is in the affirmative.

(c) and (d) The replies are in the negative.

(e) and (f) The replies are in the affirmative.

(g) The reply is in the negative.

(h) Cannot say, unless "certain age" is stipulated.

(i) The reply is in the negative.

(j) The reply is in the affirmative.

7. National laws and regulations.

8. The reply is in the affirmative.

9. The reply is in the negative.

CHILE

4. (a) The Draft Convention should also apply to craftsmen and artists working independently or working for or rendering service to the public directly in the streets or elsewhere, and small industrialists or traders, provided that the average earnings of these categories of persons do not exceed a limit to be fixed by national legislation.

(b) It should apply to all wage earners, the term being taken to include workers and salaried employees.

5. (a) and (b) The Draft Convention should include all agricultural workers under the same single system.

6. The only exceptions which should be permitted are the following: (a) persons who have reached the age of 65 or over when the insurance scheme comes into force; (b) wage earners whose wages or earnings exceed a limit to be fixed by national legislation would be subject to the insurance scheme only up to that limit.

7. The reply is in the negative.

8. In view of the replies to Questions 6 and 7, this would be unnecessary.

9. This provision would be unnecessary in view of the reply to Question 4.

DENMARK

4. (a) The Convention should be designed for the protection of wage earners and salaried employees particularly liable to unemployment and within this class it should extend only to persons without other resources.

(b) Danish legislation, being based on the system of voluntary insurance, provides by section 6 of the Act for the establishment of unemployment funds only for wage earners or salaried employees belonging to one or more of the following occupations: commerce, office work, industry, manual trades, agriculture, the hotel industry, transport services and navvying. The Minister for Social Affairs may, however, when quite exceptional circumstances justify this course, decide that the list of occupations may be extended to other categories and in virtue of this provision fishing has been recognised as an occupation coming within the Unemployment Act. The Government is of opinion that the Draft Convention should apply to all wage earners and salaried employees (without other resources) but should leave to national legislation the right to make exceptions on points of secondary importance when special circumstances justify this course.

5. (a) In principle the Draft Convention should include all wage earners and salaried employees (see however the reply under 4 (b)), and should allow of the various categories of employed persons being included in the general system.

6. The Draft Convention should allow exceptions (see the reply under 4 (b)). As regards the various classes mentioned it should be noted that in Denmark —

(a) There is an unemployment fund for female domestic servants. It should not be necessary for an exception to be made for this category.

(b) No exception is made for home workers. In the case of this category of workers there may however be special difficulty as regards the checking of the existence of unemployment and the possibility of admitting exceptions should be provided for.

(c) This exception should not be admitted. Attention may be called to the importance of the fact that an insurance system gives rise to no considerable risk.

(d) It would be desirable to allow this exception if the circumstances either of the occupation or the category of workers in question (for example, foremen or technical employees) justify this course.

(e) Danish legislation does not exclude seasonal workers from unemployment insurance and in general this category of workers ought not to be excluded from the benefit system. When the system is being put into operation it will doubtless be necessary to take account of the special conditions applying to this class of workers. For example, in the Danish Unemployment Act, section 16, subsection 8, there is a provision that funds which include in their membership a considerable number of seasonal workers may not pay benefit to these workers during the seasons when unemployment occurs normally or may pay benefit only when the unemployment has lasted for a number of days in excess of the usual waiting period, which is six days.

(f) Workers whose employment is of a casual nature should not be excepted, but in view of the special character of the employment of these workers provision may be made for special rules regarding the payment of benefit. Section 22, subsection 1 (5), of the Danish Unemployment Act provides that unemployment benefit may be paid to "members whose employment is characterised by the fact that it is constantly changing and is of short duration" only when sufficient information is given regarding their periods of unemployment and their income during periods of employment. It is also provided in section 16, subsection 8, that in the case of funds established for occupations in which employment is intermittent and of short duration the waiting period may be wholly or partly suppressed.

(g) A minimum age should be fixed for receipt of benefit. The Danish Unemployment Act provides that no person under the age of 18 years may be admitted as a member in benefit of an unemployment fund.

(h) A maximum age should also be prescribed. Under Danish legislation no person may be admitted to an unemployment fund as a member in benefit after he has attained 60 years of age.

(i) Danish legislation does not make any exception for apprentices.

(j) Danish legislation does not make any exception for student employees.

7. If complete liberty is left to the States Members to determine the categories of workers who may be excepted it is to be feared that there may be too great divergences in the way in which the provisions of the Convention are applied. The Convention ought therefore to specify the categories for whom exceptions may be authorised by national laws or regulations.

8. The Government is of opinion that if a Recommendation is adopted it should include a provision that States Members which make exceptions in respect of any of the categories of workers mentioned above should be included as soon as possible in a benefit scheme. It thinks however that the Convention must stipulate as a condition of admission to an insurance scheme a certain minimum age and maximum age.

9. The Government is of opinion that certain categories of persons working on their own account should enjoy the advantages of the benefit scheme. The Danish Unemployment Act includes in the category of wage earners and salaried employees persons who are entrusted by the principal with the supervision or management of undertakings in return for a salary. On the other hand, independent traders, that is to say, persons working on their own account, ought not to be entitled to draw benefit from the insurance scheme.

FINLAND

4-5. All unemployed persons in necessitous circumstances should be entitled to unemployment relief in one form or another. Nevertheless, unemployment insurance should be applied only to wage earners and salaried employees.

In Finland, for example, voluntary unemployment insurance applies only to wage earners and salaried employees, but within that class no exceptions whatever are made.

With regard to unemployment relief in Finland it has been possible to take into account all persons in necessitous circumstances. Thus, for example, small farmers whose holdings are too small to provide them with adequate means of existence have been put on the same footing as wage earners.

6. It is considered that the unemployment insurance scheme :

(a) should not allow for exceptions in respect of domestic workers ;

(b) should not apply to home workers ;

(c) should not cover workers engaged in employment of a relatively permanent character in so far as such workers are not subject to the risk of unemployment ;

(*d*) should contain a stipulation with regard to a wage limit which should, however, apply to all employed persons ;

(*e-f*) should apply to workers whose employment is of a seasonal or casual nature, provided that such workers pay adequate contributions, that it is possible to verify the fact of their unemployment and that it is possible to frame a suitable scheme for them ;

(*g-h*) should contain a stipulation with regard to an age limit. In Finland all persons between 16 and 60 years of age are eligible for voluntary insurance ;

(*i-j*) should include apprentices and student employees, provided a suitable scheme can be devised for such persons.

7. It is desirable to leave this matter to national legislation.

8. The reply is in the affirmative.

9. The reply is in the affirmative.

In Finland the unemployment relief scheme also includes small farmers (see reply to Questions 4-5).

GREAT BRITAIN

4. (*a*) and (*b*) The Draft Convention should apply only to persons employed under a contract of service with or without money payment, and to persons employed under a contract of apprenticeship with money payment. There must be provision for exceptions in respect of employments in which the employed persons by reason of the conditions of their service, or otherwise, are not subject to the risk of unemployment or have under their contracts of service protection against unemployment at least equal to that given by the national scheme of unemployment insurance. There should also be power to except employments which are not suitable, for various reasons, for inclusion in an unemployment insurance scheme. (See answer to Question 6.)

5. (*a*) In view of the differences normally existing between industrial and agricultural workers it may not be possible in every country to establish a system of unemployment insurance for agriculture similar to that for industry generally. The practicability of agricultural insurance should be specially examined and a system instituted if practicable.

(*b*) The scheme should be a part of the general scheme but with rates of contributions and benefits and conditions suitable to the general conditions of the industry. It should not be a special scheme outside the framework of the general scheme.

6. (*a*) Yes.

(*b*) Yes.

(c) Yes, in so far as the relatively permanent employment is under the central or local Government, or is under a public utility company, or carries statutory superannuation rights.

(d) Yes.

(e) No, except that on the application of a seasonal worker whose season is relatively short and on proof that he is not ordinarily employed in other insurable employment, he should be exempted from the insurance scheme.

(Note. — An exempted worker is one in respect of whom contributions are payable at the rate applicable to the employer only, no contribution falling upon the employed exempt person.)

(f) No, except when the casual employment is not for the purposes of trade or business.

(g) Yes.

(h) Yes, but employers of such persons should continue to pay their share of the contributions.

(i) No, except when there is no money payment.

(j) No; not if they are employed under a contract of service, but only if they are under a contract of apprenticeship without money payment.

7. It should not be left open to the national laws or regulations to make such exceptions as they please. There should be defined limits within which exceptions may be allowed.

8. The reply is in the negative.

9. The reply is in the affirmative.

HUNGARY

4. (a) and (b) As was indicated in the reply to Question 2, no category of workers who are involuntarily unemployed should be excluded from the assistance scheme.

5. (a) and (b) The adoption of the principle of assistance is incompatible with imposing on the workers an obligation to pay contributions.

6. (a) to (j) See the reply to Question 4.

7. As was indicated in the reply to Question 2 (b) the Draft Convention should allow exceptions to be authorised by national laws or regulations.

8 and 9. It follows from the reply to Question 1 that it is impossible in the present economic conditions to introduce a system of insurance.

ITALY

4. (a) and (b) The Draft Convention should lay down the principle of compulsory insurance for all persons who hire their services to others with such exceptions as may be expedient for particular categories.

5. Agricultural workers, including forestry workers, horticultural workers and gardeners, should be excluded from compulsory insurance in view of the difficulty of establishing a suitable system for the collection of contributions and for applying to them the measures of control which are necessary for insurance purposes. In view, however, of the importance of this category of workers, it seems necessary to lay down in the complementary Recommendation the principle that each State should endeavour to arrange for adequate assistance to be given to these workers in case of involuntary unemployment, with a view to enabling the categories in respect of whom the difficulties of application of a system of compulsory insurance are less serious to benefit by compulsory insurance (for example, agricultural workers engaged on work of an industrial character such as the draining and irrigation of the soil, clearing of timber, public works, work on machines employed in agriculture, horticultural work and gardening work, etc.).

6. The Draft Convention should allow for exceptions in respect of the following categories: domestic workers, home workers, workers engaged in employment of a relatively permanent character, non-manual workers whose earnings exceed a certain sum, workers engaged on seasonal or casual work, workers whose age is below or above certain limits. Exceptions should not be allowed for apprentices and paid student employees.

7. The Draft Convention should specify all the exceptions that may be allowed, but it should be left to national legislation to settle the exact scope of the exceptions in accordance with the indications given in the complementary Recommendation.

8. It does not seem possible for the Recommendation to include a suggestion that the States should include in the benefit scheme all the excepted categories but only those such as have been indicated in regard to certain classes of agricultural workers for whom the difficulties of applying an insurance scheme appear to be less serious. This suggestion might apply not only to the agricultural workers mentioned above but also to domestic workers and to home workers.

9. The Recommendation might invite Governments to study the possibility of including in a benefit scheme certain classes of persons working on their own account.

NETHERLANDS

4. (a) The answer is in the affirmative.

(b) The Draft Convention should apply to all wage earners and salaried employees, provided that exceptions may be made by national legislation as contemplated in Question 6.

5. The Draft Convention should apply to all agricultural workers, who might be included in the scheme applying to all other workers.

6. The answer is in the affirmative.

7. It should be left to national laws or regulations to determine the exceptions allowed.

8. The answer is in the negative.

9. The answer is in the affirmative, particularly as regards artists.

NORWAY

4. (a) The reply is in the affirmative.

(b) Provision should be made for exceptions for certain categories.

5. (a) and (b) No. A special scheme should be set up for these categories.

6 and 7. In a compulsory insurance scheme exceptions of certain categories of workers should be allowed, and it should be left to national laws to determine the exceptions within the limits of the categories enumerated in Question 6.

8. Yes, as far as domestic workers are concerned.

9. It seems difficult to include in an insurance scheme persons working on their own account, but the possibility of including also those persons should be studied.

POLAND

4. (a) The Draft Convention should apply only to wage earners and salaried employees.

(b) The Draft Convention should provide for exceptions for certain categories of workers.

5. (a) and (b) The Draft Convention should not include any of these categories of workers, which should be excluded from the scope both of the Draft Convention and of the Recommendation.

6. The Draft Convention should allow exceptions for categories (a), (b), (c), (e), (f), (g), (h), (i), (j). As regards category (d), the Government is opposed to this exception. If, however, a maximum limit of earnings is included in the Draft Convention, the Government proposes that in cases where such an exception is not provided for in national laws or regulations the Draft Convention should authorise the exclusion from compulsory insurance of intellectual workers engaged in occupations which are generally regarded as liberal professions.

The Government proposes the following additional exceptions :

(k) workers engaged in undertakings employing only a very small number of workers, the maximum number that may be prescribed for this purpose by national laws or regulations being fixed by the Draft Convention at five ;

(l) persons whose wage-earning employment is only subsidiary ;

(m) members of the employer's family ;

(n) persons employed for remuneration while still engaged in studies ;

(o) persons who have a statutory or similarly guaranteed right to benefits equivalent to those provided for by the Convention.

7. The question of what exceptions of particular categories of workers are admissible should be dealt with in the Convention.

8. The Recommendation might recognise it as being desirable that certain categories of workers for whom exceptions are allowed by the Draft Convention should be included as soon as possible in the benefit scheme.

9. The complementary Recommendation might include this suggestion and recommend that consideration should be given in the first place to the category of persons working on their own account (not employed by other persons) whose economic situation is similar to that of wage earners and salaried employees.

SPAIN

4. (a) and (b) In view of the very heavy financial burden which is entailed by unemployment insurance and the necessity of minimising the burden as much as possible, it would appear desirable to restrict the application of unemployment insurance to wage earners and salaried employees, leaving the question of persons working on their own account to be dealt with in the Recommendation. Furthermore, amongst wage earners and salaried employees, exceptions should be made, for the present, of certain categories of wage earners and salaried employees. The indications given in Question 6 might serve as examples of the exceptions which could be made, the choice being made by each State.

5. (a) and (b) Rural workers should not be excluded, these being one of the classes of workers most severely affected by unemployment, at any rate in Spain. Special regulations might, however, be applied to these workers, the framing of such regulations being left to national legislation.

6. (a) to (j) A reply indicating that these exceptions might perhaps be allowed has been given in reply to Question 4.

7. In view of the differences in the way in which the problem presents itself in different countries, the determination of the exceptions should be left to be dealt with by national legislation.

SPAIN

8 and 9. The Recommendation should include a statement that it is desirable that these categories of workers should not be permanently excluded from the insurance or assistance scheme.

SWEDEN

4. (a) Yes. A reservation should, however, be made so as to allow persons who work on their own account from time to time, but for less than half the year, to be treated as wage earners.

(b) The Draft Convention should normally apply to all wage earners and salaried employees.

5. (a) See reply to Question 4 (b) above.

(b) These workers should be included in the general benefit scheme.

6. Exceptions might be allowed in the case of workers under or over specified age limits, and also for home workers and persons employed for a considerable period by a near relative.

7. The Draft Convention should specify, at least in outline, the categories of workers for whom exceptions may be allowed.

8. If a general system of unemployment relief were to be organised on the lines laid down in the reply to Question 2 above, it would probably be unnecessary to provide for a special benefit scheme to replace insurance for the categories of workers for whom exceptions are allowed. On the other hand, if insurance is not supplemented by cash relief, a special benefit scheme should be provided for these workers.

9. The question of including in the benefit scheme certain classes of persons working on their own account does not appear to be of immediate practical interest, but it might perhaps be dealt with in a Recommendation.

SWITZERLAND

4. (a) Experience has shown that it is very difficult to include persons working on their own account in unemployment benefit schemes. Such persons cannot generally fulfil the benefit conditions relating, for example, to placing in employment, the assessment of normal earnings, and the actual loss of earnings. No obligation should therefore be imposed on the contracting States with regard to persons working on their own account.

(b) The Draft Convention should make provision for exceptions for certain categories, since there are among wage earners and salaried employees certain groups of persons who can never fulfil the necessary and indispensable conditions required to entitle them to benefit.

5. (a) In view of the special conditions obtaining in Swiss agriculture, the Government considers that the Draft Convention should not include agricultural workers in general, forestry or horticultural workers, or gardeners. Agriculture in Switzerland is not comparable with agriculture in many other countries. For example, land ownership is generally not on a very large scale, most of the holdings being of small or medium size. In these circumstances the number of agricultural workers out of employment is insignificant, as rationalisation has not made much progress and the farmers generally retain during the winter the services of the persons in their employment. Up to the present, moreover, there has always been rather a shortage of labour in Swiss agriculture, and there seems no reason to suppose that in the future there will be a surplus of unemployed labour. If, in these circumstances, the Government were to favour the establishment of unemployment benefit schemes for agricultural workers, the result would probably be to weaken the ties existing between the employers and workers, for the latter would be more readily discharged at the beginning of winter and would have to apply to the institutions established to provide relief for them.

Similarly, there does not appear to be any necessity to introduce benefit schemes for workers in agriculture employed by the day without a contract for a period, as such persons generally own a little property and are able to manage with the help of the wages they earn as day labourers without having recourse to unemployment relief.

In these circumstances the Government could not see its way to adhere to an international Convention entailing obligations with regard to agricultural workers.

(b) In view of the fact that various States desire or consider necessary, on account of the special conditions obtaining in their agriculture, that agricultural workers should be included in an unemployment benefit scheme, the Government proposes that it should be suggested, in a Recommendation, that the various States should take steps to assist unemployed persons in agriculture in accordance with their special circumstances.

6. (a) Yes, for such persons have less need of assistance than the other categories of workers. Moreover, in Switzerland, for some years back, there has been a shortage of such workers. Nevertheless, the Government considers that the legislation of the various States should not, in principle, exclude this class of worker from unemployment benefit schemes.

(b) Yes, in view of the fact that the general benefit conditions cannot be satisfactorily fulfilled in very many cases, the Government considers it dangerous to undertake any obligation of an international character in this respect. But, as it cannot be ignored that from a social point of view it is often desirable to make provision for unemployment relief for home workers, the Government proposes that it should be suggested, in a Recommendation, that the States should take home workers into consideration.

(c) Yes. Nevertheless, the Swiss Government is of opinion that, under this head, exceptions should be allowed only for workers engaged in permanent situations by public departments or workers in undertakings working under concession. The expression "workers engaged in employment of a relatively permanent character" seems, in the opinion of the Swiss Government, to be somewhat vague and to go too far.

(d) The reply is in the affirmative.

(e) Yes, on the assumption that this question refers to workers who are engaged in an occupation for less than six months. If, however, it is intended to include seasonal workers who are regularly engaged in an occupation for more than six months, as, for example, building workers, clothing workers, etc., the reply of the Government would be in the negative. Nevertheless, special conditions should be laid down for the payment of benefit to workers of this category who are unemployed.

(f) The reply is in the affirmative.

(g) Yes; the Government suggests that the age limit should not be fixed at less than 16 years. At the same time, it would be still more in favour of a solution which would allow an age limit of 18 years. The Swiss point of view is based on the following considerations: young persons generally possess parents or are able to have recourse to labour camps, institutions for the protection and assistance of young persons, etc. Furthermore, as these young persons have never really entered upon an active career and, as a rule, have never rendered any services to the community, it seems wrong to accustom them to receiving relief before they have been in regular employment.

(h) Yes; in any event, it would seem necessary to exclude from the scope of the Convention workers of over 65 years of age, while leaving the States free, if they wish, to organise assistance for elderly workers.

(i) Yes, for the need for insurance or assistance is as a rule not acutely felt, and does not seem to be required in all cases. Nevertheless, the States should be left free to regulate by their legislation

the extent to which this category of persons is to be taken into consideration.

(j) Yes, because the usual benefit conditions can very often not be fulfilled.

7. In order to avoid any doubt as to its scope, the Draft Convention should specify the categories of workers for whom exceptions may be allowed.

8. The Recommendation should include a provision that certain categories of workers, as, for example, home workers, should be included in a benefit scheme whenever the circumstances of the case so require. It would not be advisable, in the Government's view, to extend the Recommendation to all the categories of workers for whom exceptions are allowed by the Draft Convention.

9. No, for generally there is no need to take measures in this respect. Furthermore, it is very difficult to include persons working on their own account in unemployment benefit schemes.

UNION OF SOUTH AFRICA

4. (a) The reply is in the affirmative.

(b) No; the decision should be left in the hands of individual States.

5. (a) and (b) Fall away in the light of the answer to Question 4 (b).

6. (a) and (b) Fall away in the light of the answer to Question 4 (b).

7. (a) and (b) Fall away in the light of the answer to Question 4 (b).

8. Falls away, in the light of the reply to Question 4 (b). But suggestions indicating the categories of workers which the Conference considers should be included when possible should be incorporated in the complementary Recommendation.

9. The reply is in the negative.

YUGOSLAVIA

4. (a) In principle the Recommendation should apply to all wage earners and salaried employees.

(b) The determination of what classes of workers should come under the scheme of compulsory insurance and what classes under the scheme of assistance should be left to be determined solely by national legislation.

5. The question whether agricultural workers, or certain special categories of agricultural workers, should come under the scheme of compulsory insurance or the scheme of assistance should be left to be determined by national legislation.

6. The Recommendation should allow of exceptions from compulsory insurance (or assistance) being made by national legislation in respect of the following categories of workers :

- (a) domestic workers ;
- (b) home workers ;
- (c) workers engaged in employment of a relatively permanent character ;
- (d) non-manual workers whose earnings exceed a certain sum ;
- (e) workers whose employment is of a seasonal character ;
- (f) workers whose employment is of a casual nature ;
- (g) workers who have not yet reached the age of 16 years ;
- (h) workers whose age exceeds 55 years ;
- (i) apprentices ;
- (j) student employees.

7. The Recommendation should indicate the nature of the exceptions, the details being determined by the national legislation ; for example, the national legislation would prescribe the limit of earnings above which salaried employees would not be subject to the insurance or assistance scheme.

8 and 9. The Recommendation should contain provisions on these matters.

IV. BENEFIT CONDITIONS

10. (a) Do you consider that the Draft Convention should allow for the completion of a qualifying period :

- (i) in an occupation covered by the scheme as a condition of admission to the scheme ; and
- (ii) within the benefit scheme as a condition of receiving benefit ?

(b) Should the maximum length of the qualifying period in each of these cases be specified in the Draft Convention, and what maximum do you propose ?

11. (a) Do you consider that the Draft Convention should include provisions as to proof of the commencement and of the continuation of the involuntary unemployment ?

(b) Should the Draft Convention lay down that such proof is to be furnished by registration and regular attendance at a public employment exchange or other approved office ? Or what other procedure do you propose ?

12. Do you consider that the Draft Convention should provide that the right to benefit may be made conditional on proof that the claimant is (a) capable of work, and (b) available for work ?

13. (a) Do you consider that the Draft Convention should provide for benefit to be paid only to claimants who are unable to find suitable employment ?

(b) Should the Draft Convention define "suitable employment", and for this purpose should regard be had to :

- (i) employment in a different occupation ;
- (ii) employment in a different district ;
- (iii) employment in respect of which the wage rates and other conditions of employment are inferior to those current in the district in which employment is offered ;
- (iv) employment in an undertaking where a strike or lock-out is in progress ;
- (v) employment the acceptance of which by an unemployed worker might prejudice him in the future practice of his occupation, or might be injurious to his health or morals ?

(c) Should the Draft Convention allow for varying the definition in accordance with the length of the claimant's unemployment ?

14. Do you consider that the Draft Convention should allow for the right to benefit being made conditional on :

- (a) compulsory attendance at a course of vocational or other instruction ;
- (b) compliance with an obligation to undertake work ?

15. (a) Do you consider that the Draft Convention should allow for the right to benefit of wholly unemployed

persons being made conditional on the completion of a waiting period ?

Should the maximum length of the waiting period be specified in the Draft Convention, and, if so, what maximum do you propose ?

(b) Should the Draft Convention provide that the waiting period is to be applied in such a way as to enable workers on short time to claim benefit ?

16. Do you consider that the Draft Convention should provide for special benefit conditions in respect of :

(a) workers in seasonal trades ;

(b) casual workers ;

(c) workers on short time ; and

(d) other classes of workers, e.g. persons in receipt of pensions, and what classes ?

What special conditions do you propose ?

17. Do you consider that the Draft Convention should allow for the disqualification of claimants for the receipt of benefit :

(a) in the case of unemployment which is the result of a strike or lock-out ;

(b) in the case of workers who are in receipt of benefit from a social insurance fund ;

(c) in other, and what, cases ?

18. Are there any other — and what — benefit conditions for which you consider that provision should be made in the Draft Convention ?

19. Do you consider that the Draft Convention should provide for the possibility of modifying any of the benefit conditions referred to above after a certain period of benefit ? What changes do you propose and when should they be applied ?

20. (a) Do you consider that the Draft Convention should allow for a test of needs to be imposed on claimants for unemployment benefit ?

(b) Should the Draft Convention provide for applying the test from the beginning of the benefit period, or only after

a certain period of unemployment ? In the latter case, what period do you propose ?

AUSTRIA

10. The fixing of a qualifying period within the benefit scheme as a condition of receiving benefit appears necessary, if only to make it possible to ascertain whether the person concerned is a paid worker and whether he is dependent on such work for his livelihood. A qualifying period in the occupation might also be required in respect of subsequent claims to benefit. The Government considers that a minimum qualifying period should be fixed. It proposes that the matter should be dealt with in the complementary Recommendation, 52 weeks in insurable employment preceding the first claim to benefit and 26 weeks in insurable employment since the previous claim in the case of subsequent claims being suggested as the minimum qualifying periods.

11 to 13. Questions 11 to 13 raise points of fundamental importance for the satisfactory working of any unemployment insurance scheme and for preventing abuses. Collaboration with an appropriate placing scheme appears indispensable. It would therefore be desirable that the Draft Convention should contain a provision according to which proof of the commencement of involuntary unemployment should be furnished by registration at an employment exchange and proof of the continuation of the involuntary unemployment by regular attendance at the exchange. The Draft Convention should contain a provision that the right to benefit may be made conditional on proof that the claimant is capable of work and available for work. There would be no objection, either, to the inclusion in the Draft Convention of a provision that benefit may be paid only to claimants who are unable to find suitable employment. The Draft Convention should allow a certain latitude to national regulation as regards the definition of "suitable employment". If the Draft Convention includes a definition of suitable employment it must have regard to the circumstances indicated in Question 13 (b). Similarly, there would be no objection to allowing a variation in the definition of suitable employment in accordance with the length of the claimant's unemployment.

14. This question should be left to be settled in each country by national laws or regulations.

15. The reply is in the affirmative. The fixing of the waiting period, however, should be left to national legislation.

16 to 20. As the Government has already indicated above, benefit should be payable only to wage earners and salaried employees, that is to say, persons who earn their living by means of paid work and whose livelihood is endangered by a loss of their employment. National legislation should be left free to impose a test of needs as a further condition of the payment of benefit. It is hardly possible to do without this condition, even if it is sought to organise unemployment relief in accordance with the technical

principles of insurance. The definition of a state of need and its modification by stages according to the length of the period during which benefit is paid should be left to national legislation. Casual workers should not be entitled to benefit, nor should benefit be granted to workers who are already in receipt of benefit from a social insurance institution or of payments from public funds (pensions) whereby they are assured of a livelihood. Workers whose unemployment is the result of a strike or lock-out should not be entitled to benefit. The Draft Convention should allow of special conditions being laid down for workers in seasonal trades and workers on short time. The determination of the conditions should be left to national legislation.

BELGIUM

10. (a) The Government agrees that the Draft Convention should allow for the completion of a qualifying period in an occupation covered by the scheme as a condition of admission to the scheme, and of a qualifying period within the benefit scheme as a condition of receiving benefit.

(b) The Government is of opinion that the Draft Convention should fix the *minimum duration of the qualifying period in the general insurance system*, and in its view the period should be one year. The Recommendation might include a provision concerning the *maximum duration of the qualifying period in an occupation*, which should not exceed one year.

11. (a) The reply is in the affirmative.

(b) The Draft Convention should lay down that the proof is to be furnished by registration at a public or other approved employment exchange. Moreover, the commencement of unemployment should be certified by the employer and its continuance verified by a check upon the unemployed workers every two days.

12. (a) Yes ; this follows from the definition of unemployment. (See reply to Question 3.)

(b) Yes, in the case of the wholly unemployed worker ; but not in the case of the intermittently unemployed worker whose contract of service has not been terminated.

13. (a) Yes, the Draft Convention should provide that benefit should be paid only to claimants who are unable to find suitable employment.

(b) and (c) The Draft Convention should leave the definition of what is suitable employment to be settled by national laws or regulations.

14. (a) Yes, the States should be allowed to require persons in receipt of benefit to attend courses of vocational or other instruction.

(b) Yes, the imposition of the obligation to do certain work should be authorised, but subject to the condition that the work in question is to be done for a public service and would not normally be carried out by a private undertaking.

15. (a) The Draft Convention should allow for the right to benefit of persons wholly or intermittently unemployed being made conditional on the completion of a waiting period, but the length of the period should not be specified.

(b) Yes, but it should be left to national laws or regulations to determine the length of the waiting period in the case of persons intermittently unemployed.

16. The Government is of opinion that it should be left to national laws or regulations to fix any special benefit conditions that might be adopted in the case of these categories of workers.

17. (a) In principle, yes ; but it would be desirable to leave it to national laws or regulations to provide for exceptions from the principle according to the circumstances in which the stoppage of work has arisen.

(b) The reply is in the affirmative.

(c) This should be left to be dealt with by national laws or regulations.

18. No, the matter should be left to be dealt with by national laws or regulations.

19. The principle might be included in the Draft Convention, but full liberty should be allowed as to the methods of application.

20. (a) The Draft Convention should not allow a test of needs to be imposed on claimants for unemployment benefit in accordance with the rules of the insurance institution.

(b) The test of needs should be provided for only in the case of benefits provided gratuitously by the public authorities.

BRAZIL

10 to 20. In view of the statement made at the beginning of this reply, there is no occasion to answer these questions.

BULGARIA

10. (a) and (b) The replies are in the affirmative.

11. (a) The reply is in the affirmative.

(b) Yes ; by registration and regular attendance at the employment exchange.

12. The reply is in the affirmative.
13. (a), (b) and (c) The replies are in the affirmative.
14. (a) and (b) The replies are in the affirmative.
15. (a) The reply is in the negative.
16. (No reply is given.)
17. (a) and (b) The replies are in the affirmative.
18. The reply is in the negative.
19. The reply is in the negative.
20. (a) The reply is in the affirmative.
(b) The test should be applied from the beginning of the benefit period.

CANADA

Manitoba.

10. (a) (i) and (ii) The replies are in the affirmative.
(b) To be determined by national regulations.
11. (a) and (b) The replies are in the affirmative.
12. (a) and (b) The reply is in the affirmative.
13. (a) The reply is in the affirmative.
(b) (i) to (iii) The replies are in the affirmative.
(iv) and (v) The replies are in the negative.
(c) The reply is in the affirmative.
14. (a) Only if such instruction could be shown to be of benefit to unemployed.
(b) The reply is in the affirmative.
15. (a) Yes, subject to investigation.
(b) The reply is in the negative.
16. (a), (b) and (c) Cases under these categories should not come under the general benefit scheme.
(d) If handled at all, should be under special scheme.

17. (a) The reply is in the affirmative.

(b) If a worker has paid for his social insurance and his unemployment insurance, the latter being compulsory, he should be entitled to receive both, providing of course it is made known in advance that in no case shall his combined benefits exceed 75 per cent of his normal income.

(c) Voluntarily quitting his employment, inciting others to quit employment or to remain unemployed.

18. The reply is in the negative.

19. This would be a matter for national regulation and would depend on the financial stability of the fund. Also length of time of contribution.

20. (a) By investigation.

(b) Investigation of conditions would decide as to when benefit period would commence.

CHILE

10. (a) and (b) Provision should be made for the completion of a qualifying period in an occupation prior to entry into the insurance scheme and another qualifying period within the benefit scheme as a condition of receiving benefit; the length of the qualifying periods should be determined by national legislation.

11. (a) The reply is in the affirmative.

(b) The proof might be furnished in the way suggested in this paragraph, including regular attendance at a public employment exchange.

12. It should be made conditional on proof of the two points mentioned in the question.

13. (a), (b) and (c) The reply is in the affirmative.

14. (a) and (b) Yes, provided that in applying this condition account be taken of what is "suitable employment" in the light of the physical, intellectual and moral capabilities of the unemployed person for adaptation to a new occupation.

15. (a) Yes; the interval might be equal to the period during which the worker was entitled to claim pay or wages under his contract of employment immediately prior to becoming unemployed; that period should not be less than one week.

(b) Yes; a worker on short time should be able to claim benefit after having worked on short time for a certain period.

16. Yes; workers in seasonal trades should be paid benefit only in proportion to the period during which they paid contributions. Casual workers would be entitled to benefit only when the prescribed periods had elapsed before and after their becoming insured, as mentioned in the reply to Question 10. The maximum benefit for short time would be the amount required to bring the worker's wage up to the normal wage paid in the locality in question in occupations identical with or similar to that of the claimant; in no case should it exceed the rate for total unemployment. If a worker who has sources of income other than his wages is not excluded from the insurance scheme he should be granted benefit under the general conditions whenever he is fit for work and is not in receipt of an invalidity or old-age pension.

17. (a) and (b) The right to benefit should be refused in the circumstances mentioned in this question.

18. The conditions should be those laid down above.

19. Diminishing rates of benefit might be provided for; initially, the benefit would be equal to two-thirds of the last wages earned by the insured person; in the second period, it would be reduced to half those wages, and later to a third of that amount.

20. (a) and (b) Under normal economic conditions this test might be restricted to ensuring compliance with the requirements set forth in the replies to Questions 11 to 15. During periods of depression or widespread unemployment further tests should be enforced to prove that the claimant is in need of benefit at the beginning of the benefit period.

DENMARK

10. (a) (i) It should be a condition of admission to a benefit scheme that the person is engaged in an occupation. The Danish Unemployment Act provides that an unemployment fund may not admit any person who is not engaged in the occupation concerned but it does not prohibit the admission of persons who can prove that immediately after their admission they can obtain employment of a certain duration in the occupation.

(ii) Yes, in an insurance system a certain qualifying period should be required as a condition of receiving benefit. In the Danish Unemployment Act it is provided that no person is entitled to benefit unless he has been a member of a recognised fund and has paid his membership contribution for twelve months prior to the date of payment of benefit.

(b) In an insurance system it would be sufficient that the person concerned should be working in the occupation at the time when he seeks admission to insurance, and the Convention should stipulate that in the case of insurance systems a qualifying period must be fixed. The length of the qualifying period should be left to be determined by national laws or regulations, but it should not exceed one year.

11. (a) The Convention should stipulate that benefit is payable only on condition that the unemployed person submits to measures of control, but the detailed regulation of this matter should be left to national laws or regulations.

(b) The Recommendation should point out that control may be effectively exercised by requiring the unemployed person to register with the insurance authorities or at an authorised employment exchange at the commencement of the unemployment and subsequently as often as experience may show to be necessary. There should be co-operation between the insurance scheme and the employment exchanges (see in this connection the provisions of section 4 of the Danish Unemployment Act).

12. The right to benefit should be conditional on proof that the claimant is capable of work and available for work. Nevertheless, the claimant should only be required to furnish this proof when circumstances render this necessary.

13. (a) Yes, it should be stipulated that benefit should not be paid to unemployed persons who refuse without good reason suitable work which is offered to them.

(b) The Convention should not define "suitable employment", but the competent authorities in each country should be allowed to determine in each case what is to be regarded as "suitable employment". It might be desirable to give some indications in this respect in a Recommendation.

In respect of the various matters included in the question, the Government makes the following observations :

(i) In deciding the question whether the possibility of obtaining employment in a different occupation should lead to the claimant no longer being considered as unemployed, due account should be taken of the work formerly done by the claimant, of his prospects of obtaining work in his own occupation, of his technical training, of the nature of the work offered to him and of his fitness for that work. It is hardly possible to lay down any general rules.

(ii) The district in which employment is offered must certainly be such as to justify the claimant being required to accept it. (See in this connection the expression "refusal without good reason of suitable work".) The obligation to accept work offered under these conditions should not however be too rigorously defined.

(iii) The scheme should include provisions guaranteeing that it would not be operated in such a way as to lower the level of wages of the persons insured. The Danish Act lays down in this respect that the fact that the wage is below the hourly rate fixed for similar work by agreement between workers and employers or below that usually paid in the undertaking or district in question for corresponding work constitutes a valid reason for refusing the employment offered.

(iv) It should not be possible for insured persons to be required to accept employment in an undertaking where a strike or lock-

out is in progress. (See below, under Question 17 (a), as regards the neutrality of the insurance scheme in cases of trade disputes.)

(v) The circumstances mentioned should be regarded as justifying a refusal of the employment offered. (See, however, reply under Question 13 (b).)

(c) See the reply under Question 13 (b).

14. (a) The right to benefit ought not to be made conditional on attendance at such courses, but it would be desirable to endeavour to enable unemployed persons to attend such courses with the help of the insurance scheme through the grant of subventions.

(b) See the reply to Question 13 (a) and (b).

15. (a) Yes, the completion of a waiting period in respect of each period of unemployment should be required, the fact that the worker has to provide for himself during the first part of a period of unemployment being calculated to encourage saving out of his earnings. The determination of the length of the waiting period should be left to national laws or regulations. In the Danish legislation the waiting period is fixed at 6 to 15 days; for seasonal workers and workers engaged in occupations characterised by employment which is intermittent and of short duration special rules are laid down as indicated in the replies to Question 6 (e) and (f).

(b) Yes, the Convention should provide that the waiting period must be fixed in such a way as not to exclude from benefit workers who are on short time. (See also the reply to Question 3.)

16. (a) See the reply to Question 6 (e).

(b) See the reply to question 6 (f).

(c) As indicated in the reply to Question 3, the payment of benefit must be conditional on there having been a substantial reduction in the number of hours worked. The Danish Unemployment Act provides that when the number of hours worked is reduced by more than a third, benefit may be paid if the rules of the unemployment fund so provide at a rate proportionate to the number of days or hours by which the employment has been reduced, regard being paid, however, to the fact that the benefit should be so calculated that it should be substantially more profitable for the claimant to work rather than to draw benefit.

(d) In general benefit should not be payable to persons in receipt of invalidity or old-age pension or any payment out of public funds by way of assistance on account of reduced earning capacity which corresponds both as regards its amount and its duration to an invalidity pension. This provision is included in the Danish legislation.

17. (a) Persons affected by trade disputes should be disqualified from receiving benefit. The rules dealing with this question

should be based on the principle that the insurance system must remain neutral as regards labour disputes so that it will not serve the interests of either the workers or the employers.

(b) Benefit should not be paid if the unemployment is due to sickness or incapacity for work, so long as the sickness or incapacity lasts. (See also Question 16 (d).)

(c) It should be left to national laws or regulations to provide, as in the Danish legislation, that benefit may not be paid in such cases as the following :

Unemployment which must be considered as voluntary because, for example, the member has left his work without due cause or because he has been dismissed on account of excessive drinking, an insubordinate or quarrelsome demeanour towards the employer or other workers, or other misconduct.

The following should also be disqualified from benefit :

Members undergoing sentence for an offence of which they have been convicted;

Members in receipt of assistance from public relief institutions ;

Members wholly maintained by the public relief system.

18. It should be left to national laws or regulations to lay down conditions as regards a minimum of employment during the period preceding the payment of benefit so that, for example — as is provided under Danish legislation — benefit is not payable if a member of an unemployment fund has not been in work during at least ten months in the course of the two years next preceding the date at which benefit would be payable. Exceptions, however, may be made to this rule during periods of severe unemployment.

19. Under the Danish legislation the conditions mentioned above which have to be fulfilled in order to qualify for benefit are not modified in cases of prolonged unemployment, and apart from the conditions of the labour market (see under Question 18) such modification should not be allowed.

20. Under an insurance system a test of needs should not be imposed as a condition of the right to benefit.

FINLAND

10. (a) (i) This is not the practice in Finland.

(ii) In Finland, all persons who have been members of an unemployment insurance fund for at least six months are entitled to benefits under voluntary insurance.

It is desirable to make provision for the completion of a qualifying period.

(b) It is suggested that this matter should be left to national legislation.

11. (a) The reply is in the affirmative.

(b) If the unemployed person lives in a district where there is a public employment office or employment agent, he should be entitled to benefits under insurance schemes subsidised out of public funds only if the employment office or agent has been unable during the benefit period to provide him with work which is suitable to his aptitudes and his occupation and which is not in an undertaking affected by a strike or a lock-out. When there is no public employment office in the district other reliable information should be obtained as to the facts.

Under relief work and other forms of relief schemes, unemployed persons should be given work only if the competent employment office has ascertained that the person in question is actually unemployed and in necessitous circumstances.

12. The reply is in the affirmative.

13. (a) See reply to Question 11 (b).

(b) (i-iv) See reply to Question 3.

(v) The employment mentioned should not be considered as "suitable employment".

(c) The reply is in the affirmative.

14. This condition is considered to be desirable in principle but the matter should be left to national legislation.

15. (a) It is absolutely essential to provide for a waiting period under unemployment insurance. In Finland, the unemployment insurance funds are left free to fix the length of the waiting period under voluntary unemployment insurance at from 6 to 18 days.

The establishment of the maximum length of the waiting period should be left to national legislation.

(b) The reply is in the affirmative.

16. It is suggested that this matter should be left to national legislation.

The unemployment relief scheme in Finland lays down the same benefit conditions for all categories of workers.

17. (a) The reply is in the affirmative.

(b) The Draft Convention should allow the disqualification of claimants who are in receipt of benefit from any other compulsory social insurance scheme or from a scheme subsidised out of public funds, such disqualification to last as long as the person concerned is in receipt of adequate benefit from such institutions.

(c) In other cases it is proposed that the principles set out in the answer to Question 3 should be adopted with regard to the disqualification of claimants for benefit.

18. It is unnecessary to lay down any other benefit conditions.

19. It is desirable in principle to provide for such a possibility.

As in Finland no provision is made for any modification of the benefit conditions, it has not been considered necessary to prepare a detailed plan in this connection.

20. It is considered that a test of needs should be imposed on claimants for unemployment benefit when the cost of such benefit is met from public moneys.

In Finland, the right to benefit under voluntary insurance is not conditional on a test of needs. But under relief work schemes organised or subsidised by the State, unemployed persons are admitted to work only if their economic situation is so precarious that public relief is necessary for their existence.

GREAT BRITAIN

10. (a) (i) The reply is in the negative.

(ii) Yes. Furthermore there should be freedom to impose a requalifying period of employment after maximum insurance benefit has been drawn.

(b) Yes, for (a) (ii). The period of qualification for benefit should be defined with reference to the number of weeks in which a person has been employed within a stated period. The present provision in Great Britain, viz. employment in each of thirty weeks in a period of two years, would appear to be reasonable.

11. (a) The reply is in the affirmative.

(b) Yes, subject to relaxations for those living at a distance from the office, and to modifications in special cases, e.g. where large numbers from one factory are unemployed and the employer can certify unemployment.

12. The reply is in the affirmative.

13. (a) The reply is in the affirmative.

(b) It is hardly possible to insert in a Convention a comprehensive definition of "suitable employment", but certain categories should be scheduled as definitely suitable or unsuitable for the purposes of the insurance scheme as indicated in the following replies :

(i) After a reasonable lapse of time employment should not be regarded as unsuitable merely because it is in a different occupation, if it conforms to the recognised standards of wages and conditions.

(ii) Employment in a different district should not be regarded as suitable if it offers wages and conditions less favourable than those recognised in the new district.

(iii) If the employment offered is in the same district and is of a kind which the worker usually follows the employment should not be regarded as suitable if the wages and conditions are less favourable than the individual can reasonably expect having regard to what he has habitually obtained, or if they are less favourable than he would have obtained had he remained in employment.

(iv) Employment should not be regarded as suitable if it is in a situation vacant in consequence of a strike or lock-out.

(v) Personal factors, including the effect of employment on health and morals, depend so much on the individual's circumstances that they cannot well be dealt with in general terms. These considerations are inherent in the word "suitable" and should be left to be applied by the adjudicating authorities on the merits of individual cases.

(c) No : except as in (b) (i) above.

14. (a) Yes. There should be power to make the receipt of benefit conditional on attendance at a course of instruction or training if such a course is available.

(b) If this question means that an applicant for benefit must be prepared to take suitable employment if such is available, the answer is "Yes"; but if the question means "May benefit be given in return, wholly or partly, for work performed or on condition that work is performed?" the answer is "No". This would not apply to work done as part of training.

15. (a) Yes, there should be a waiting period for insurance benefit. The maximum length should be specified. The present provision in Great Britain, viz. one week, would appear to be reasonable.

(b) Persons should not be excluded from benefit merely because they are working short time. Benefit should be payable for continuous unemployment and this should be defined as including a series of short spells of unemployment which are not separated by more than a given number of weeks. A fresh waiting period should be served whenever continuity is broken.

16. (a) Workers in seasonal trades who are normally in employment for part of the year only should be debarred from receiving insurance benefit in the off-season unless they have in recent years worked in insurable employment in the off-season to a substantial extent and can expect to do so again.

(b) and (c) The Convention should not prohibit the receipt of benefit by such workers, but, if practicable, steps should be taken to prevent undue advantage being taken of conditions of the scheme intended primarily to deal with the circumstances of persons wholly unemployed.

(d) (i) Persons who normally work only one or two days a week should be debarred from insurance benefit in respect of the four or five days on which they do not normally work.

(ii) Married women who have ceased to seek their livelihood in insurable employment should not receive benefit and married women who have no reasonable prospect of getting insurable employment should be debarred from receiving benefit unless their prospects of getting insurable employment in their usual occupation are no worse than they would otherwise be because they are married.

17. (a) Yes, if the strike or lock-out is at the premises where they are employed, but there should be no disqualification if no member of the same grade or class of workers as the claimant at those premises is participating in, or financing, or directly interested in the dispute.

(b) If by "social insurance fund" is meant a national scheme such as Health Insurance the conditions of that scheme should be such as to render it impossible for a person receiving benefit under it to qualify for unemployment benefit since he would not be capable of work. If, however, the term refers to unemployment funds of trade unions or friendly societies the answer is in the negative, provided, of course, that the ground on which the union or society benefit is received (e.g. sickness) is not such as to be itself a disqualification for unemployment benefit.

(c) There should be disqualifications from insurance benefit:

(i) for leaving employment voluntarily without just cause ;

(ii) for losing employment through misconduct ;

(iii) whilst resident in a prison, workhouse, or similar publicly supported institution, or whilst resident out of the country.

18. The reply is in the negative.

19. The reply is in the negative.

20. (a) and (b) The reply to both questions is in the negative.

HUNGARY

10. (a) The right to benefit should be dependent only on the circumstances of the unemployed person.

11. (a) and (b) It follows from the reply given to Question 2 (b) that the keeping of an unemployment register and the settlement of questions connected therewith should be dealt with by national laws or regulations.

12. It follows from the principle of the benefit scheme that there can be no right to benefit, but before assistance is granted it would be desirable to give consideration to the question whether the claim-

ant is capable of work and willing to work, and it is only after the fulfilment of this condition has been established that the claimant could count on receiving assistance.

13. (a), (b) and (c) Assistance may be denied to claimants who refuse work outside their own trade but suitable to their physical and mental powers.

14. The general interests of the community require that unemployed persons should not refuse to prepare themselves to take up a trade other than their own. Under the Hungarian system the assistance scheme requires unemployed workers to undertake certain work of public utility.

15 to 20. The settlement of these questions should be left to national laws and regulations.

ITALY

10. (a) The Draft Convention should require the completion of a qualifying period in the insurance scheme as a condition of receiving benefit.

(b) The maximum length of the qualifying period should be left to be settled by national legislation, but the suggestion might be made in the complementary Recommendation that the period should not exceed one year.

11. The Draft Convention should stipulate that proof of the commencement and continuance of involuntary unemployment should be furnished and provide that this proof should take the form of a certificate of discharge given by the employer and a certificate of registration at an employment exchange, with such checks prescribed by national legislation as may be considered expedient.

12. Since insurance against unemployment is not intended to cover the risk arising from unfitness for work, the Draft Convention might provide that the right to benefit should be conditional on the insured person not being unfit for work and being willing to work if required. It might, however, be suggested in the Recommendation, for obvious reasons of equity, that the right to benefit should be maintained when a worker who is unfit for work is for some reason not in receipt of benefit in respect of his unfitness.

13. (a), (b) and (c) The Draft Convention should provide for the payment of benefit only to claimants who are unable to find suitable employment. A definition of what is meant by "suitable employment" should be included in the Recommendation and should be framed with regard to the criteria indicated in the Questionnaire.

14. (a) The Draft Convention should allow of the right to benefit being made conditional on compulsory attendance at a

course of vocational instruction, in view of the desirability of facilitating the transfer of workers from trades specially affected by unemployment to trades in which it is relatively easier to obtain employment.

(b) It seems impossible on the contrary to allow of the right to benefit being made conditional on compliance with an obligation to undertake certain work, unless the work is to be done for public authorities and in exceptional cases.

15. (a) The Draft Convention should provide that the right to benefit of wholly unemployed persons should be conditional on the completion of a waiting period. It should be left to national laws or regulations to fix the duration of the period, but the Recommendation should indicate that the period ought not normally to exceed eight days.

(b) The Draft Convention should also provide that the waiting period is to be applied in such a way as to enable workers on short time to receive benefit.

16. It should be left to the national laws or regulations to determine whether, and under what conditions, benefit should be paid to seasonal and casual workers, workers on short time and other classes of workers.

17. The Draft Convention should allow for disqualification for the receipt of benefit in the case of a strike or lock-out, and for disqualification for benefit or reduction of benefit in the case of workers in receipt of benefit from a social insurance fund.

18. No other benefit condition should be laid down in the Draft Convention.

19. The Draft Convention should not provide for the possibility of modifying any of the above-mentioned benefit conditions after a certain period of benefit.

20. (a) and (b) The right to benefit should not be subject to the application of a test of needs.

NETHERLANDS

10. (a) The answer is in the affirmative.

(b) The length of the qualifying period should be fixed at a maximum of one year.

11. It is unnecessary that the Draft Convention should include provisions of this kind. It should be left to the national administrations to find a practical solution to the problem.

12. The answer is in the affirmative.

13. (a) The answer is in the affirmative.

(b) There is no objection to indications being given on these points, but beyond that the matter should be left to be settled by the administrations.

(c) The Government does not consider it necessary that the Draft Convention should include such a provision. The question of what is suitable employment should be determined on the basis of practical experience.

14. The reply is in the affirmative.

15. (a) The Government considers a waiting period to be necessary, but does not think it desirable that the Draft Convention should specify the maximum length of the period.

(b) The reply is in the affirmative.

16. The reply is in the affirmative. As regards classes (a) (b) and (c) account might be taken of the seasons and of earnings. In the Government's view, it is unnecessary to take account of pensions, annuities and similar income.

17. The reply is in the affirmative. In the Netherlands unemployment benefit is not payable to —

(a) members of the funds who at the time when their unemployment commenced had not fully paid the contributions then due from them according to the rules;

(b) members whose unemployment is due to a strike or lock-out;

(c) members who by reason of sickness, accident, old age or invalidity are unfit for work, or who have reached a certain age, which is fixed in some cases at 65 years and in others at 70 years;

(d) members who have left their employment without due cause or have lost their employment by their own fault;

(e) members who are resident abroad or who are effecting their military service;

(f) members who are detained in custody or are undergoing a sentence of imprisonment;

(g) members who are themselves responsible for being unemployed, either by refusing to work satisfactorily or by failing to take the necessary steps to find work;

(h) members who refuse to give either to the central committee, the local committee or a committee or persons authorised for the purpose by the committee, or to the persons or committees appointed for purposes of supervision by the competent authority, the inform-

ation required to enable their right to benefit to be satisfactorily investigated ;

(i) members who have failed to comply immediately on the commencement of their unemployment with the obligation to register themselves as seeking work, on the books of the public employment exchange or of a private employment organisation assimilated to the public exchange, or who have failed to comply with the requirements necessary for their names to be kept on the books ;

(k) members who have failed to respond to an offer of employment made by the employment exchange referred to under (i) ;

(l) members who on applying for benefit, or while receiving benefit, do not immediately inform the committee that they have been offered employment by the employment exchange ;

(m) members who refuse to accept suitable employment ;

(n) members whose conduct infringes the rules laid down by, or is detrimental to the interests of, the fund.

As regards Question 17, it may also be mentioned that under the Netherlands unemployment insurance scheme, a person who is in receipt of accident or invalidity benefit may also receive, in addition to this payment, benefit from the unemployment fund if he is involuntarily unemployed, but in such cases the unemployment payment is proportionate to the beneficiary's capacity for work.

18. The reply is in the negative.

19. The Draft Convention should not contain provisions on these points. In the Netherlands there is a general rule that persons who have exhausted their right to benefit must have been in employment for a certain period after the date on which their benefit was exhausted before they become entitled to any further payment. Similarly, persons who during a period of three consecutive years have exhausted their right to benefit do not receive any benefit in the fourth year. This period is fixed in the case of certain funds at four years, and in the case of others at two years.

20. (a) The reply is in the negative as regards insurance schemes, and in the affirmative as regards assistance following upon insurance payments.

(b) It follows from what has been said above that no reply is necessary to this question as regards insurance payments. As regards assistance, account is taken in the Netherlands of the position in which the unemployed person finds himself at the time when unemployment commences. It may happen therefore that a certain period of unemployment may have to be endured before a claim for assistance is admitted.

NORWAY

10. (a) (i) The reply is in the negative.

(ii) The reply is in the affirmative.

(b) Yes ; twenty-six weekly contributions must have been paid during the preceding two years.

11. (a) The reply is in the affirmative.

(b) The Draft Convention should lay down that such proof is to be furnished by registration and regular attendance at a public employment exchange or other approved office.

12. The reply is in the affirmative.

13. (a) The reply is in the affirmative.

(b) A general definition of "suitable employment" should not be given in the Draft Convention. The Draft Convention should however provide that employment in an undertaking where a strike or lock-out is in progress and employment the acceptance of which might be injurious to health or morals shall in all circumstances be deemed to be unsuitable for an unemployed person.

(c) The reply is in the negative.

14. (a) and (b) The reply is in the affirmative.

15. (a) Yes ; a maximum period of six days should be fixed in the Convention.

(b) The reply is in the affirmative.

16. If the insurance scheme is based on the principle that benefits shall always be proportionate to the number of contributions paid by the workers, e.g. one weekly benefit to every four-weekly contribution (cf. Question 18), it is not considered necessary that the Draft Convention should provide for special benefit conditions in respect of the workers mentioned in this question.

17. (a) The reply is in the affirmative.

(b) These cases should be left to national laws.

18. Benefits should be proportioned to the number of contributions paid by the workers. See above, Question 16.

19. The reply is in the negative.

20. (a) and (b) A means test should not be applied under an insurance scheme to which the unemployed worker has paid his contributions. This rule should not hold, however, when the applicant has to make a claim for emergency benefit, either because he is not insured or because he has exhausted his right to the standard benefits provided for in the insurance scheme.

POLAND

10. (a) (i) The reply is in the negative.

(ii) The Draft Convention should provide for a qualifying period.

(b) The maximum length of the qualifying period should be left to be fixed by national laws or regulations.

11. (a) The reply is in the affirmative.

(b) The registration procedure should be left to be dealt with by national laws or regulations.

12. (a) As regards this point, it should be stipulated that a claimant who is not capable of work loses his right to benefit. The matter might therefore be better dealt with under Question 17.

(b) The onus of proving that the claimant is available for work should not be placed on the unemployed person.

13. (a) The reply is in the affirmative.

(b) In the definition of "suitable employment" regard should be had to all the circumstances mentioned under (i) to (v) and in particular :

(i) employment in a different occupation should be regarded as suitable unless it is shown that the employment offered would make it impossible for the unemployed person to return to his own occupation in the future ;

(ii) the unemployed person should be required to accept the employment if he can find a lodging in the new place of work ;

(iii) minor differences in the rates of wages current in the district should be disregarded ;

(iv) employment in an undertaking where a strike or lock-out is in progress should not be considered "suitable employment".

(v) employment should be considered not suitable if its acceptance by an unemployed worker might prejudice him in the future exercise of his calling (cf. reply to (i) above).

The stipulations regarding health and morals may be admitted on condition that the detailed treatment of this matter is left to national laws or regulations.

(c) The reply is in the negative.

14. (a) The reply is in the affirmative.

(b) No, as regards unemployment insurance ; yes, as regards other forms of relief for the unemployed (public assistance payments, employment on public works).

15. (a) The Draft Convention should provide for a waiting period. As, however, this matter is dealt with in different ways in the legislations of various countries, and even in the legislation

of the same country for different categories of workers, the fixing of the duration of the waiting period should be left to be settled by national laws or regulations.

(b) The question of short-time workers being dealt with in the Recommendation, so also should be the fixing of the waiting period to be applied in the case of workers on short time.

16. (a) The definition of the classes of seasonal workers and the special conditions of benefit for these workers should be left to be settled by national laws or regulations.

(b) The position of casual workers is dealt with under Question 6 (f).

(c) Benefits for workers on short time should be dealt with in the complementary Recommendation.

(d) The Government does not propose special conditions for any other class of workers.

17. (a) If the unemployment is the result of a strike, the right to benefit should be suspended for the duration of the strike. A lock-out should not entail the exclusion of the workers from benefit.

(b) As regards benefits paid to unemployed persons who are unable to work, the fact that benefit is being received from a social insurance institution is, in view of the general definition of an unemployed person, a justification for the suspension of the right to unemployment benefit. As regards other social insurance benefits, the Government proposes that account should be taken only of old-age pensions.

(c) Provision should be made for the following additional conditions :

1. Suspension of the right to benefit :

(i) when the unemployed worker is called up for military service ;

(ii) for the duration of the period during which the worker has received from the employer compensation for the termination of his contract of service.

2. Withdrawal or suspension of the right to benefit when the institution has been misled as to the fulfilment of the conditions giving a right to unemployment benefit.

18. No other benefit conditions are proposed.

19. The Draft Convention should provide for the possibility of modifying the rate of unemployment benefit, this modification, however, applying only to benefits under an unemployment insurance scheme.

20. (a) and (b) The Draft Convention should not make insurance benefits conditional on a test of needs. Limitation by national

laws or regulations of the right to benefit should be allowed only in the case of persons whose income is not mainly derived from wage-earning or salaried employment. The Draft Convention should, however, allow for payments which are not insurance benefits, granted to persons who have exhausted their right to such benefits or who have not acquired the right to such benefits, being made conditional on a test of needs.

SPAIN

10. (a) and (b) The completion of a qualifying period in the occupation should always be required, since it ensures on the one hand that a distinction is made between insurance and assistance by limiting the scheme to the occupation or trade and, on the other hand, since it ensures that the beneficiary has contributed by his own efforts to the cost of the benefit. The qualification might be the completion of one year within an occupation covered by the scheme and the payment of insurance contributions for a period of six months.

11. (a) and (b) In order to avoid possible abuse in the drawing of benefit from the insurance scheme (which is the weak point in the administration of such a scheme), the claimant should be required to furnish proof that he is involuntarily unemployed and, for this purpose, it would be desirable to require registration at an employment exchange.

12. This is indispensable in order to keep unemployment insurance separate from other forms of social insurance.

13. (a), (b) and (c) The first question being answered in the affirmative, a wide interpretation should be given to the phrase "suitable employment", the matters mentioned in the question itself being taken into consideration and the precise meaning to be attached to the phrase being determined by each country in the light of its own conditions.

14. (a) and (b) Although the question is of the utmost interest, since it treats of the problem of the best use of their time by unemployed workers, it seems difficult to deal with it in the Draft Convention and it would be better to deal with it in the Recommendation. The Recommendation might suggest either the measures mentioned in clause (a), although this would create a risk of restricting the scope of the insurance in certain countries where vocational instruction is not sufficiently developed to enable everybody who desires to do so to take advantage of it, or the measure indicated in clause (b). The latter would be the better solution since it is always possible to ensure the carrying out of certain work, for example, by the organisation of public works.

15. (a) and (b) A waiting period should be required, since it would serve as proof of the continuance of the unemployment,

that is to say, of the evil which the insurance is intended to remedy, and would also serve to facilitate the administration of the insurance scheme. The waiting period should, however, be limited to the time strictly necessary for these two purposes, as otherwise a considerable number of workers would be deprived of the benefit of the insurance, and in certain special cases (partial unemployment or short-time) the waiting period might have to be eliminated altogether.

16. It is extremely difficult to determine exactly the special conditions to be laid down in these cases. It might, however, be indicated that the insurance benefit should be subject to a definite reduction both as to its amount and as to its duration.

17. (a), (b) and (c) In order that the insurance may be restricted to its proper purpose, the persons indicated in clauses (a) and (b) should not be entitled to benefit.

18. No other condition is suggested, those indicated in the preceding questions being regarded as sufficient.

19. An unemployed person should be entitled to receive assistance from the insurance institution only during a certain period of unemployment and, in the case of unemployment extending beyond this period, he should be required to apply to the complementary scheme of assistance. This period should be fixed at six months and should be subdivided into two periods of three months, the first corresponding to normal conditions as regards unemployment and the second to conditions of abnormal unemployment or depression during which the benefit paid would not be the same.

20. (a) and (b) In order to avoid the abuses which may readily occur under a benefit scheme, the imposition of a test of needs should be required, but it should be required only in the case of a benefit scheme to which the claimant has not paid contributions. Otherwise the imposition of the test would obliterate the distinction between insurance properly so-called and assistance. Moreover, even on this basis the test should be imposed only after the unemployment has persisted for a certain period.

SWEDEN

10. (a) (i) Provision should be made to prevent the admission to insurance of persons immediately after they had ceased to be working on their own account or in the employment of a near relative.

(ii) The reply is in the affirmative.

(b) The length of the qualifying period in the cases covered by (a) (ii) should be specified in the Draft Convention and based on the number of contributions paid over a specified period. This period should be longer in the case of a first award of insurance benefit than when benefit has already been drawn. It might be

required, for instance, that contributions should have been paid for one year in the former case and for six months in the latter.

11. (a) The reply is in the affirmative.

(b) The Draft Convention should provide for compulsory registration and regular attendance at a public employment exchange.

12. The reply is in the affirmative.

13. (a) A provision to this effect appears to be necessary, but should perhaps be framed in less categorical terms so that only claimants who had refused suitable employment should be disqualified for benefit.

(b) The Draft Convention should define "suitable employment". The definition should not, however, include employment in a different occupation or in a different district. Suitable employment should be held to be employment suited to the strength and skill of the worker, at a wage corresponding to the current rates for that employment in the locality concerned, and excluding employment in an undertaking where a labour dispute is definitely in progress. The fact that the work offered is at a distance may obviously be a legitimate reason for refusal, but it should be taken into consideration in connection with other obstacles under a general provision laying down that work otherwise conforming to the definition may, nevertheless, be considered unsuitable on account of special difficulties arising out of the worker's personal circumstances or the nature of the work.

(c) The reply is in the negative.

14. These conditions do not appear to be necessary as regards insurance.

15. (a) The Draft Convention should allow for the right to benefit being made conditional on the completion of a waiting period, the maximum length of which should be specified. This maximum, which should apply only in special cases, might be fixed at three months, but as a general rule a much shorter period should be prescribed.

(b) This question appears to call for a reply in the affirmative.

16. As regards workers who are specially exposed to the risk of unemployment, such as seasonal or casual workers, it may of course be necessary to allow less favourable benefit conditions, by providing, for example, for a longer waiting period or disqualifying *such workers for benefit for the normal duration of the slack season*. As regards workers on short time and persons in receipt of pensions, etc., who are less urgently in need of relief, it would again be reasonable to lay down special conditions. Nevertheless, it seems advisable in all these cases to leave the regulation of benefit conditions to national legislation.

17. The Draft Convention should allow for the disqualification of claimants for the receipt of benefit in the case mentioned under (a), but only for the period of the dispute concerned. Further, the disqualification of workers who, without being directly involved in the dispute, are affected by the consequent unemployment should be allowed only when the dispute appears likely to influence their wages and conditions of employment. As regards the workers mentioned under (b), the right to insurance benefit should not be affected unless the workers concerned are in receipt of unemployment benefit from some other social insurance institution, and only to the extent of such benefit.

As regards point (c), disqualification should also apply for a specified period to unemployed persons who had left their employment voluntarily and without valid reason or who had been dismissed for breach of discipline or some similar cause.

18. The right to benefit should of course be made dependent on the unemployed person's having fulfilled his liabilities in respect of the payment of contributions.

19. It does not appear necessary to allow for the modification of benefit conditions.

20. No test of needs should be required for the award of insurance benefit, but it seems to be advisable in the case of unemployment relief in the form of work or cash relief. The test should be applied at the beginning of the benefit period, and provision should also be made for its renewal at any subsequent time.

SWITZERLAND

10. (a) (i) Yes; but as there are persons who have not completed an apprenticeship to a trade but are employed as unskilled workers, the Government assumes that the expression "qualifying period" means that the unemployed person must have been regularly employed for a certain time before losing his employment. Swiss law, which already provides for this condition, refers to "regular occupational activity"; in normal times this condition is deemed to be fulfilled when an insured person has worked for at least 150 days during the year preceding the claim for benefit.

(ii) The reply is in the affirmative.

(b) No; the differences inherent in the benefit schemes themselves are such that it would hardly be possible to fix a maximum length for the qualifying period which would be generally satisfactory. If, notwithstanding, the Draft Convention should include a provision fixing the maximum length of the qualifying period, the Swiss Government would propose a maximum length of one year in reply to both questions 10 (a) (i) and 10 (a) (ii).

11. (a) Yes, to the extent that the unemployed person be required to show proof that the commencement and the continuation of his unemployment are involuntary and not due to his own fault.

(b) Yes ; but the States must be left free to require other methods of proof. For example, a State should be allowed to require the unemployed person to produce a statement from his previous employer showing the cause of the termination of the contract of employment. Where necessary, the State should be free to require the unemployed person to produce evidence that he has himself taken steps to obtain employment. In consequence, the Government considers that the methods of proof mentioned under 11 (b) should not be enumerated in a limitative manner.

12. (a) and (b) The replies are in the affirmative.

13. (a) The reply is in the affirmative.

(b) Yes ; the Government considers that the Draft Convention should contain certain general principles, but that it should leave national legislation free to regulate questions of detail.

(i) Yes, to the extent that employment in a different occupation may also be regarded as suitable, provided always that the person concerned is capable of doing the work and that such employment does not prejudice him in the future practice of his occupation and is not injurious to his health or morals.

(ii) Yes, provided that assignment to employment in a district away from home is not made without due account being taken of the expenses that the unemployed person may have to incur in order to discharge his legal responsibilities towards his family.

(iii) Yes ; but the States should also be free to consider as suitable any employment the remuneration for which differs only slightly from that usually paid.

(iv) The reply is in the affirmative.

(v) The reply is in the affirmative. (See answer to Question 13 (b) (i).)

(c) No, provided the definition of suitable employment is sufficiently wide to allow adequate consideration of any changes which may occur. Yes, if a narrow definition is adopted.

14. (a) The reply is in the affirmative.

(b) Swiss law makes no provision for a condition of this kind. Should the Draft Convention embody a provision allowing States to require unemployed persons to undertake certain kinds of work, the Government considers that the work should be only such as may be assigned in virtue of rules laid down or approved by the public authorities.

15. (a) The Government considers that the maximum length of the waiting period should not exceed 30 days ; under Swiss law this period is 3 days as a rule. But it is presumed that seasonal workers are not covered by this provision ¹.

¹ The Swiss Government also makes the following observation, applicable only to the French text: The expression "*délai de carence*" should be replaced by "*délai d'attente*", which corresponds more closely to French terminology, the word "*carence*" suggesting "default".

(b) As Question 3 clearly implies that short time must also be covered by unemployment benefit, the Government considers it unnecessary to insert in the Convention a provision corresponding to Question 15 (b).

16. The Government considers that the Draft Convention itself should not lay down special benefit conditions for workers in the categories mentioned, but should leave the contracting States free to make appropriate rules.

(a) Yes, so as to permit of special conditions being prescribed by national laws or regulations concerning the payment of contributions, the waiting period, the benefit rate and the number of days a year on which benefit may be paid.

(b) In the opinion of the Government these workers should not be covered by the Convention unless the term includes workers paid by the day.

(c) The reply is in the affirmative.

(d) Yes; as regards persons in receipt of pensions, the States should be left free to exclude them from unemployment relief or, according to circumstances, to take the pension into account in determining the amount of relief to be given.

In the expression " other classes of workers " might be included certain groups of persons working on their own account whose economic situation is analogous to that of wage earners properly so called, as, for example, persons who do cleaning or washing for other persons, and dressmakers who work by the day at the houses of their clients.

17. (a) The reply is in the affirmative.

(b) Yes; disqualification of the claimant or a reduction of benefit.

(c) Benefit should be refused :

when the claimant does not comply with the regulations concerning supervision ;

when the unemployed person gives inaccurate or incomplete information or attempts in any other way to obtain benefit improperly ;

when the claimant does not make adequate efforts to find work ;

when the employer is bound under the contract of employment to compensate the unemployed person for his loss of earnings ;

when the cessation of employment takes place as the result of holidays provided for in the contract of employment ;

when the loss of earnings is due to occurrences which happen periodically, such as stock-taking, cleaning and repairing work carried out in the undertaking, etc. ;

when the loss of earnings coincides with an official public holiday.

18. A provision of the Draft Convention should make it possible to require that the unemployed person claiming benefit shall have

been domiciled for a certain time in the locality in which he lodges his claim.

19. In principle, no, if the benefit conditions are not too rigorous. The Convention should, however, make it possible for the contracting States to require that the unemployed person shall have worked for a given period during the year preceding the benefit claim, and to reduce the benefit when the unemployed person has exhausted his right to benefit during several consecutive years.

20. (a) and (b) In principle, no ; only in cases of prolonged unemployment. The States should be left free to decide from what moment the " test of needs " is to be imposed as a benefit condition. The Government considers that this " test of needs " should not be imposed before the expiration of an annual benefit period of 90 days.

UNION OF SOUTH AFRICA

10. (a) (i) No, in respect of an insurance scheme, such as that which is contemplated in South Africa, the contributions should commence immediately upon entrance into employment.

(ii) The reply is in the affirmative.

(b) No ; the length of the qualifying period required under (ii) should be left to national laws or regulations. Falls away in respect of (i).

11. (a) The reply is in the affirmative.

(b) No. Within the conception of the proposed scheme of insurance in South Africa, the claimant to benefit will be required to register and to furnish adequate proof of unemployment to the satisfaction of the management committee of the relative industry ; this need not necessarily include regular attendance at a prescribed place. Decision on this and other points concerned with the payment of benefit will rest with a management committee for each specified industry, representative of employers and employees.

12. (a) The reply is in the affirmative.

(b) The reply is in the affirmative.

13. (a) The reply is in the affirmative.

(b) No, the definition should be left to national laws or regulations.

(c) Falls away, in light of the answer to (b).

14. (a) and (b) Yes, but these aspects might more appropriately be dealt with in the complementary Recommendation.

15. (a) Yes, but the *length* of the waiting period is a matter which should be decided by national laws or regulations.

(b) Yes, provided that the details are left to the decision of the individual States Members.

16. Falls away, in the light of the reply to Question 4 (b).

17. (a) The reply is in the affirmative.

(b) No, in view of the fact that in South Africa provision is to be made only for unemployment insurance.

(c) It is suggested that other provisions for disqualification of claimants might preferably be included in the complementary Recommendation.

18. The reply is in the negative.

19. Yes, but the power to modify benefit conditions should be left to national laws or regulations, and the Draft Convention should provide accordingly.

20. (a) Yes, it would seem that the Draft Convention should allow for the imposition of a test of needs, in case it should be required under some schemes, but in an insurance system, such as is under consideration in South Africa, no test would be required.

(b) Yes, but this aspect is at present only of academic interest to South Africa.

YUGOSLAVIA

10. (a) The Government is of opinion that in the case of compulsory insurance it would be sufficient to require the completion of a qualifying period within the benefit scheme as a condition of receiving benefit, while in the case of the assistance scheme the completion of a qualifying period in an occupation covered by the scheme might also be required as a condition of admission to the scheme.

(b) The Recommendation should leave the length of these qualifying periods to be determined by national legislation.

11. The Government suggests that proof of the commencement and continuation of unemployment should be furnished by registration at an office of the insurance or assistance scheme, or other office approved under the national legislation.

12. The Recommendation might stipulate that the right to benefit should be conditional on proof that the claimant is capable of work and available for work.

13. (a) The Recommendation should also provide that benefit should be paid in principle to claimants who are unable to find suitable employment.

(b) The Recommendation should also define suitable employment, having regard to the matters suggested in the question.

(c) The Recommendation should allow for varying the definition of suitable employment when the unemployed person has received benefit for a period which should be determined by national laws or regulations.

14. The Government is of opinion that the national legislation should be left free to deal with these two points.

15. The Recommendation should allow for the right to benefit being made conditional on the completion of a waiting period. The fixing of the waiting period should be left to national laws or regulations (for example, five days).

16. The Recommendation should allow of special benefit conditions being prescribed by national legislation in the case of persons partially unemployed and certain other classes of workers, such as persons in receipt of pensions and others who may be designated.

17. The Government is of opinion that the Recommendation should allow the national laws or regulations to provide for the disqualification of claimants for the receipt of benefit in the cases indicated in clauses (a) and (b) and also in any case where it is established that benefit has been drawn as a result of abuses specified in the national legislation.

18. In the Government's view, the benefit conditions already indicated are sufficient.

19. The disqualification for the receipt of benefit should cease in the case indicated under Question 17 (a) after three months' unemployment and in the case indicated under Question 17 (c) after six months from the date of the abuse.

20. The Government considers it necessary that the Recommendation should provide that proof should be furnished of the existence of a state of need continuing without interruption from the beginning of the period of benefit. The methods by which this proof should be furnished should be settled by national laws and regulations.

V. BENEFITS

21. Do you consider that the Draft Convention should deal with the provision of facilities in the benefit scheme for putting the unemployed back to work ? What facilities do you propose ?

22. Do you consider that the Draft Convention should stipulate that benefits are to be paid in cash ?

23. Do you consider that the Draft Convention should allow for benefits being varied in accordance with :

- (a) the rate of contribution of the worker ;
- (b) occupation ;
- (c) the age and sex of the worker ;
- (d) family charges ;
- (e) household resources ;
- (f) cost of living in different parts of the country ;
- (g) the rate of wages or salary ;
- (h) the duration of unemployment ?

24. (a) Do you consider that the Draft Convention should provide that benefit may be paid only for a limited period ?

(b) Should the determination of this period be left to national laws or regulations, or should the Draft Convention lay down a minimum period ?

(c) Should the period be different for

- (i) normal economic conditions, and
- (ii) times of depression ?

(d) What period or periods do you propose ?

25. (a) Do you consider that the Draft Convention should provide for steps to be taken to maintain the rights of workers under schemes of social insurance (e.g. sickness, invalidity, accidents) during the unemployment of the workers concerned ?

(b) Should provision be made in the Draft Convention for ensuring financial assistance for this purpose from the public authorities or from the bodies which administer the unemployment benefit schemes ?

AUSTRIA

21 to 24. The greatest possible latitude should be left to national legislation concerning the payment of unemployment benefit. The amount of benefit must be dependent on the financial resources of the insurance scheme. Accordingly the Draft Convention should not fix a period during which benefit is payable, but should leave this question to be settled by national legislation. The question of facilities to be given by a benefit scheme for the restoration of the unemployed to productive activity should also be left to be settled by national legislation. In principle benefits should be paid in cash, but exceptions should be permitted. The Draft Convention should also allow of varying the rate of benefit in accordance with the conditions indicated in Question 23.

25. As regards the maintenance of the rights of workers in relation to qualifying periods under schemes of social insurance, the reply is in principle in the affirmative, but credit cannot be given for the whole period of unemployment. The time to be included in the reckoning of the qualifying period should in general be limited to periods in which insurance benefit under an unemployment insurance scheme is drawn. The question of financial assistance by the public authorities or the bodies administering the unemployment benefit schemes for this purpose should, however, be left to be settled by national legislation.

BELGIUM

21. The Draft Convention should deal only with the organisation of free employment-finding services, transport facilities, the provision of tools where necessary, vocational guidance and the organisation of public relief works. It should not provide for the granting of subsidies to industry.

22. The Draft Convention should lay down the principle that benefits are to be paid in cash, but should allow the option of their being paid partly in kind if necessary.

23. The Draft Convention should allow for benefits being varied, but should not specify the cases in which variation would be permitted. The rate of benefit might vary, for example, according to the amount of the contribution, the age and the civil condition of the insured person. Since insurance benefit is a contractual right corresponding to the contributions paid, there is no occasion to take account of household resources, cost of living and family charges. These factors should only be taken into consideration under the system of assistance, if any, following upon the period of insurance.

24. (a), (b), (c) and (d) These matters should be left to be dealt with by national laws or regulations.

25. (a) The reply is in the affirmative.

(b) The reply is in the negative.

BRAZIL

21 to 25. In view of the statement made at the beginning of this reply, there is no occasion to answer these questions.

BULGARIA

21. The reply is in the affirmative.

22. Benefits should be payable in cash and in kind.

23. The reply is in the affirmative.

24. (a) The reply is in the affirmative.

(b) The determination should be left to national laws or regulations.

(c) The reply is in the affirmative.

25. (a) and (b) The replies are in the affirmative.

CANADA

Manitoba.

21. Yes, voluntary committee.

22. The reply is in the affirmative.

23. (a) The reply is in the affirmative.

(b) to (f) The reply is in the negative.

(g) This should regulate the amount of contribution.

(h) The reply is in the affirmative.

24. (a) See answer to Question 19.

(b) National laws.

(c) See answer to Question 19.

(d) Would depend on financial condition of fund.

25. (a) As far as practicable.

(b) From the administrators of benefit schemes.

CHILE

21. Yes ; without prejudice to any further measures which may be adopted for that purpose, the measures mentioned in Questions 11 and 14 could be adopted, and in addition the benefit should be fixed at a low figure which would in no case prove an inducement to the unemployed person to prolong or perpetuate his unemployment.

22. The reply is in the affirmative.

23. The Draft Convention should make provision for benefits being varied in accordance with the factors mentioned under (a), (d), (f), (g) and (h) of this question.

24. (a) The reply is in the affirmative.

(b) The maximum period should be fixed by national legislation, while the minimum period should be prescribed in the Draft Convention.

(c) The minimum period should vary according to the two criteria mentioned in this paragraph.

(d) Twenty-six weeks.

25. (a) and (b) The reply is in the affirmative.

DENMARK

21. The Danish unemployment law provides that if the State, the local authorities or private institutions in receipt of subsidies organise works which would not otherwise have been carried out (relief works) with a view to reducing unemployment, the payment of unemployment benefit may be made conditional on it being impossible for the unemployed person to obtain employment on such works. The Government is of opinion that the Draft Convention should lay down that the right to benefit may be made conditional on the unemployed person being unable to obtain employment on work organised for the purpose of reducing unemployment, and it suggests that the Draft Convention should permit of the resources of the insurance system being made available also for the purpose of measures designed to reduce unemployment, the details being regulated by national laws or regulations.

22. Under Danish legislation benefits may be paid both in cash and kind.

23. (a) Yes, this would seem equitable in an insurance system.

(b) Yes, account being taken of the average income obtained from employment in the ordinary occupation. The Danish Unemployment Act lays down that the average daily rate of benefit must not exceed two-thirds of the average earnings in the occupation.

(c) The Danish Act makes no distinction in the rate of benefit in accordance with age or sex. Variation of the rate of benefit might be allowed in accordance with age, but not in accordance with sex.

(d) Yes, under the Danish Act the maximum daily rate of benefit varies according to whether the beneficiary or person concerned is the head of a family or not (4-3 crowns).

(e) If during a period of unemployment an insured person is in receipt of income from work which is casual or of short duration or from a subsidiary occupation carried on in addition to his employment in his ordinary occupation, the benefit should be subject to an appropriate reduction. The same should apply to pensions derived from former occupations or from public pension schemes. Otherwise, in an insurance system the rate of benefit should not vary according to the resources of the person concerned or of his family.

(f) There is no objection to benefits being varied in accordance with this factor.

(g) See the reply under (b).

(h) The rate of benefit should not vary according to the duration of the unemployment. The Danish Unemployment Act of 1927 stipulates that the benefit payable out of emergency funds must be equal to two-thirds of the ordinary benefit. This provision has since been amended so as to provide that in times of extraordinary unemployment the benefit should be the same as in times of normal unemployment (see section 19 of the Unemployment Act of 20 May 1933).

24. (a) and (b) Yes, the fixing of a maximum period for the payment of benefit should be left to be settled by national laws or regulations. On the other hand, the Draft Convention should perhaps prescribe a minimum period. Under Danish legislation the rules of an approved fund must specify the maximum number of days during which benefit may be drawn in any twelve consecutive months, and this number must not be below 70. The rules of each fund lay down a maximum period during which a member is entitled to the full sum allowed per year. This period must not exceed four years. If a member has drawn benefit for the number of years laid down by the rules he ceases to be entitled to benefit until he has been a member of an approved fund during the ensuing twelve months and has paid his contributions as a benefit member.

(c) The Draft Convention should allow for the normal period to be prolonged in times of depression. Under section 19, subsection 8, of the Danish Act, benefit is paid by the continued assistance funds in accordance with the same rules and in the same proportions and to the same extent as the ordinary benefit payable by the unemployment funds, regard being had, however, to the rule that in any twelve consecutive months benefit may not be paid for more than 70 days.

(d) The period of 70 days in any twelve consecutive months laid down by Danish legislation would be a reasonable minimum period.

25. (a) The reply is in the affirmative.

FINLAND

21. See reply to Question 2 (a).

22. The payment of cash benefits should be avoided. If direct relief is granted it should be in kind.

23. (a) to (d) The reply is in the affirmative.

Under the voluntary insurance scheme in Finland unemployment funds are entitled to divide their members into categories according to occupation, length of membership, wages, domicile, family and other conditions, and to vary contributions and benefits according to the category.

(e) The reply is in the affirmative.

The effect of household resources on benefit in Finland is explained in the reply to Question 20.

(f) The reply is in the affirmative.

In Finland the rate of wages paid for relief work varies with the cost of living in the various districts.

(g) The reply is in the affirmative.

(h) If unemployment is prolonged, a gradual modification of the rate of benefit may be allowed under an insurance scheme.

24. (a) Under unemployment insurance, benefit should be paid during a limited period only.

Under other forms of unemployment relief, on the contrary, relief should be granted as long as the need exists.

(b) to (d) It is desirable to leave these matters to national legislation.

25. (a) Persons recognised as being unemployed and without resources should be exempted during unemployment from contributions towards social insurance.

(b) It is suggested that this matter should be left to national legislation.

GREAT BRITAIN

21. As regards the financing of schemes of work by the payment of wages out of the Insurance Fund the answer is in the negative.

Assistance towards the cost of training and instruction courses and towards the payment of travelling and removal expenses of persons who obtain employment in other districts might be allowed out of the Fund, but this should not be an obligatory provision of the insurance scheme.

22. The reply is in the affirmative.

23. (a) and (b) These are matters that might be left to national laws to settle provided the variations were not applied to individual

workmen. So far, however, as variations on these bases are regarded as necessary in the circumstances of broad categories of insured persons the Convention might allow some latitude.

(c) Yes.

(d) Yes, the rate of benefit should be increased in respect of dependants wholly or mainly maintained by the claimant.

(e) Not in the case of insurance benefit of the applicant.

(f) and (g) See answer on (a) and (b) above.

(h) No.

24. (a) to (d) In a compulsory insurance scheme to which the insured persons contribute there should be conditions and rights which may well vary under national laws. As regards duration of benefit, while the laws may impose a limit to the period for which benefit may be drawn it is considered that there should be a minimum period to which an unemployed contributor should be entitled on satisfying the qualifying conditions. In Great Britain the minimum is 26 weeks, but it is for consideration whether a lower number would be reasonable. Above that minimum there might be variation in the benefit if only to enable the scheme to preserve its solvency. The duration of benefit above the minimum period might well be fixed under a rule which had regard to the number of contributions paid and amount of benefits received in recent years.

25. (a) and (b) No, any provision of this nature should be the responsibility of the respective social insurance schemes.

HUNGARY

21 to 25. These questions are of importance only in relation to unemployment insurance. If the principle of assistance is adopted, the amount of the assistance given should depend on the personal circumstances of the unemployed workers and the needs of themselves and their families.

ITALY

21. The Draft Convention should lay down that the insurance system should assist, both by special grants and by regular contributions, in the carrying out of measures calculated to facilitate the re-employment of unemployed workers (e.g. the execution of public works, the establishment and financing of special vocational training schools, etc.). The extent and the methods of such special forms of assistance by the insurance institution should be left to be settled by national laws or regulations.

22. The Draft Convention should lay down the principle that unemployment benefit should be paid in cash.

23. The Draft Convention should provide for the benefits being varied in accordance with the rate of contribution of the

worker, his family charges and, if necessary, the duration of his unemployment, complete freedom being allowed to the national legislations as regards other matters.

24. (a), (b) and (c) The Draft Convention should lay down the principle that unemployment benefit should be paid for at least a minimum period, while the fixing of the limits of this minimum period and the question of making a distinction between normal economic conditions and times of depression for the purposes of varying the limits should be dealt with in the Recommendation.

25. (a) The Draft Convention should require that national laws or regulations should ensure the maintenance during periods of unemployment of the worker's rights under other social insurance schemes (sickness, invalidity, accident, etc.).

(b) The measures to be adopted for this purpose should be left to be settled by national laws or regulations.

NETHERLANDS

21. The reply is in the negative.

22. The reply is in the negative.

23. The reply is in the affirmative.

24. (a) The reply is in the affirmative.

(b) This matter should be left to be settled by national laws or regulations. It does not seem necessary to lay down a minimum period.

(c) The question of the period is best left to be settled nationally.

(d) The Government does not propose any fixed period. The period should be fixed so as to be both fair having regard to the conditions in industry and practicable having regard to the financial position of the insurance scheme.

25. (a) The reply is in the affirmative.

(b) This matter might without inconvenience be left to national legislation. Consideration was at one-time given in the Netherlands to the possibility of requiring the unemployment fund to pay the contributions due under the invalidity insurance legislation, but this did not appear to be possible without amending the existing unemployment insurance system, quite apart from the objections of a financial character. See also the reply to Question 28.

NORWAY

21. This question should be dealt with in a Recommendation.

22. The standard benefits provided for in an insurance system should be paid in cash.

23. (a) The reply is in the affirmative.

(b) The reply is in the negative.

(c) No, if the rates of contribution are equal.

(d) to (g) The replies are in the affirmative.

(h) The reply is in the negative.

24. (a) The reply is in the affirmative.

(b) The determination of this period should be left to national laws.

25. (a) and (b) These questions should be dealt with in a Recommendation.

POLAND

21. The Draft Convention should include a general provision as to facilities to be afforded by a benefit scheme for putting unemployed persons back to work, certain facilities being specified by way of illustration, e.g. the payment of travelling expenses to a district where employment may be obtained.

22. Benefits payable under a compulsory insurance scheme should be paid in cash, while benefits payable under an assistance scheme might be paid both in cash and in kind.

23. The Draft Convention should allow for benefits being varied as follows :

(a) Yes.

(b) No.

(c) No.

(d) Yes.

(e) and (f) As regards compulsory insurance, No.
As regards assistance, Yes.

(g) Yes.

(h) Yes.

24. (a) The Draft Convention should provide that benefit may be paid only for a limited period.

(b) The determination of the minimum period of benefit should be left to national laws or regulations.

(c) The Draft Convention should not lay down any special standard for times of depression.

(d) If it is considered necessary to lay down the minimum period in the Draft Convention, the Government proposes a period of 13 weeks.

25. (a) The Government proposes that the Draft Convention should stipulate that steps must be taken to maintain rights in course of acquisition under invalidity, old-age, and widows' and orphans' insurance schemes during the period of unemployment, under conditions to be determined by national laws and regulations. It would also be desirable that the Draft Convention should stipulate that States must take steps to maintain the right to sickness insurance benefit of unemployed persons in receipt of unemployment insurance benefit, the limits, duration and conditions of this arrangement being determined by national laws and regulations. If it should be found difficult to deal with the maintenance of sickness insurance rights in the Draft Convention, the question should be dealt with in the complementary Recommendation. As regards accident insurance, the Government is of opinion that in view of the way in which this branch of social insurance is organised the question does not arise.

(b) The Draft Convention should not contain such a provision.

SPAIN

21. Since the fundamental purpose of unemployment insurance is to make it possible for the unemployed person to return to work, it is obviously desirable that special importance should be attached to this function in the administration of a scheme, particularly as regards the creation of work.

22. It will only be in exceptional circumstances that it would be preferable to pay benefit otherwise than in cash.

23. (a) to (h) Yes; variation of benefits should be allowed in order to permit of the better adaptation of the insurance scheme to differences in the economic, family and social circumstances of the insured person. This will enable the insurance scheme to operate more equitably and effectively. The amount of the insured person's contribution should be linked up with the benefit he may draw from the insurance scheme. In deciding on variations in the rate of benefit, it is not so much the occupation as the rate of wages which should be taken into account. The age and sex of the claimant and more particularly the family charges which he has to bear are factors of the first importance in the determination of the benefit to be paid. So also is the duration of the unemployment, but this should determine not so much the rate of benefit as its character, since the responsibility for providing benefit may have to be transferred to the assistance scheme. Household resources might be taken into account either in order to disqualify a claimant from receiving benefit, if he has not contributed thereto, or to

reduce the benefit so that it becomes simply a supplement to the resources of the household. Account might also be taken of differences in the cost of living in different parts of the country, provided that satisfactory index figures are available, with a view to raising or lowering the rate of benefit payable by the insurance scheme.

24. (a), (b), (c) and (d) Benefit should certainly be payable only for a limited period. The length of the period should be determined by national legislation, a distinction being made (as is the case in Spanish legislation) between periods of normal unemployment and periods of depression. The period might be fixed at a minimum of three months in each case.

25. The Government proposes the adoption of a system under which unemployment insurance benefit includes the payment of compulsory contributions to other social insurance schemes. This is the system adopted in Spanish legislation.

SWEDEN

21. Yes, in the form of training to improve the worker in his own occupation or to fit him for a different occupation.

22. As stated in the reply to Question 2, a general system of unemployment relief should include the provision of employment. Insurance benefits as well as the cash relief suggested in reply to Question 2 might be replaced by benefits in kind.

23. As far as Sweden is concerned, it would be enough to allow for the setting up, with due regard to points (a), (c), (d) and (g), of special benefit funds for which the rates of contribution should also be variable. There seems, however, to be no objection to allowing under the Draft Convention for the variation of benefits in accordance with the circumstances mentioned under (b) and (h). As regards unemployment relief in the form of work or cash relief, the circumstances mentioned under (d), (e) and (f) are probably of some significance.

24. (a) Yes, as regards unemployment insurance.

(b) The Draft Convention should specify a minimum period.

(c) It would probably be almost impossible to fix a special minimum period for times of depression.

(d) The minimum period might be fixed at 90 days in a year.

25. (a) It would perhaps be reasonable to introduce such provisions, but so far they have no equivalent in Swedish legislation.

(b) See reply to point (a).

SWITZERLAND

21. No, for such measures must take account of actual economic requirements and cannot in consequence be the same for all the contracting States. On the other hand, it would seem advisable, in the opinion of the Swiss Government, to suggest in a Recommendation that the contracting States should take measures of this character such as vocational re-education, the payment of allowances in case of removal, the payment of compensatory benefit to unemployed persons who have taken up a new occupation, etc.

22. Yes, benefits should be paid in cash as a rule ; allowances in kind would form the exception.

23. (a) The reply is in the affirmative.

(b) The reply is in the affirmative.

(c) Yes, with regard to age ; no, with regard to sex.

(d) to (h) The replies are in the affirmative.

24. (a) Yes, to the extent that the Convention may make provision in principle for the fixing of such a limit, without, however, imposing on the States any obligation to do so.

(b) Yes ; the determination of this period should be left in principle to national legislation ; it would, however, be desirable to fix a minimum period.

(c) The reply is in the affirmative.

(d) The Government proposes a minimum period of 90 days for normal times, but would prefer not to fix any limit for periods of depression.

25. (a) No ; in the opinion of the Government benefits should be so fixed as to enable unemployed persons to pay the contributions necessary to maintain their rights under insurance. Should it be impossible to attain the desired end in all countries in this way, the Government suggests that the matter be dealt with in a Recommendation.

(b) The reply is in the negative.

UNION OF SOUTH AFRICA

21. No, it would appear preferable that such facilities should be dealt with in the complementary Recommendation.

22. Yes, in the case of standard benefits under an insurance scheme, but provision should be made for exceptions ; for example, when educational classes are prescribed.

23. Yes, but the details should be decided by national laws or regulations.

24. (a) The reply is in the negative.

(b), (c) and (d) Provision should be made in the Draft Convention for leaving questions regarding the length and variation of the period to be decided by national laws or regulations.

25. (a) No, it is considered undesirable to complicate the Draft Convention on unemployment insurance and relief by the introduction of such factors, but suggestions in this direction might with advantage be included in the complementary Recommendation.

(b) Falls away in light of the reply to (a).

YUGOSLAVIA

21. The Government is of opinion that workers going back to work should be enabled to reach the place of employment by the grant of a railway ticket at a reduced rate, or even free, or by a grant in kind or in cash.

22. The Recommendation should provide for the benefits being paid in cash.

23. The Recommendation should allow for the possibility of the rate of benefit being varied, but only in the cases mentioned in clauses (c), (d), (e), (f) and (h).

24. It should be provided that benefits should be paid only during a limited period. The Recommendation should fix a minimum period, taking account of the circumstances in normal times and in periods of depression. The Government suggests that for the insurance scheme the period should be fixed at six months a year in normal times and at twelve months in times of depression, and that for the assistance scheme the period should be fixed at three months per year.

25. It might be recommended that steps should be taken under national laws or regulations to ensure the maintenance of the rights of workers under schemes of social insurance (sickness, invalidity, and accident) during the unemployment of the workers concerned.

VI. RESOURCES

26. (a) Do you consider that the Draft Convention should require each Member to take measures by national laws or regulations to ensure the raising of the sums necessary for the payment of unemployment benefit in accordance with the provisions of the Draft Convention ?

(b) Should it be left to national laws or regulations to fix the manner in which these sums are to be raised and the proportion payable by each class of contributor, or should these matters be dealt with in the Draft Convention ?

(c) In the latter case, should the Draft Convention provide for the payment of contributions by

(i) the workers admitted to the benefit scheme,

(ii) the employers of such workers,

(iii) the public authorities,

and in what proportions ?

27. Do you consider that the Draft Convention should provide for measures to be taken to maintain the financial soundness of the unemployment benefit scheme ? What measures do you propose ?

28. Do you consider that the Draft Convention should make provision for the creation of an emergency fund ? Should it define the manner in which this fund is to be raised, and, if so, what do you propose ?

AUSTRIA

26 to 28. As regards the raising of the sums necessary for the payment of unemployment benefit, it is necessary to ensure that the burden imposed on the national economy will not be such as to produce a further increase in unemployment. An unemployment benefit scheme which left this risk out of account would endanger the very existence of the insurance institution. If financial equilibrium is to be obtained, the benefits must be adjusted in accordance with the available resources. It therefore does not seem possible to lay down in a Draft Convention a general system for the raising of the necessary sums, or to settle the question whether and in what proportions contributions should be paid by the employers and workers or the public authorities, or other public bodies the financing of which is a direct charge upon the national economy. As the raising of the necessary sums must be appropriate to the fiscal system of each country, the arrangements to be made must be left to be settled by national legislation.

The establishment of a reserve fund in an unemployment *insurance* scheme is indispensable to ensure the continuity of the payment of benefit in periods of crisis. Nevertheless, it would be impossible to include any provision on this point in the Draft Convention, since the laying down of a general principle without indicating details would be insufficient to achieve the object in view, while the framing of detailed regulations would encounter insurmountable difficulties in view of the diversity of conditions in the different countries.

BELGIUM

26. (a); (b) and (c) No, these matters should be left to be dealt with by national laws or regulations.

27. No, this matter should be left to be dealt with by national laws or regulations.

28. Yes, the organisation of a national emergency fund such as is in operation in Belgium is considered desirable.

BRAZIL

26. The Government is of opinion that it should be left to the national legislation of each country to decide the method of raising the funds necessary to the working of the system or systems of insurance or relief which it adopts.

27 and 28. These questions do not call for any reply so far as Brazil is concerned.

BULGARIA

26. (a) The reply is in the affirmative.

(b) These matters should be left to national laws or regulations.

27. The reply is in the affirmative.

28. The reply is in the affirmative.

CANADA

Manitoba.

26. (a) The reply is in the affirmative.

(b) National laws.

(c) (i) to (iii) Also to be decided by national laws. Suggestions :
(i) one-fifth, (ii) two-fifths, (iii) two-fifths.

27. National commission.

28. No. This would be the duty of the administrators.

CHILE

26. (a) The reply is in the affirmative.

(b) The sources from which funds are to be obtained should be laid down in the Draft Convention, subject to the right of national legislation to add others and to lay down the proportions or amounts of the contributions to be paid.

(c) Contributions should be paid by the three bodies mentioned in this section in such proportions as may be fixed by national legislation.

27. The reply is in the affirmative.

28. The reply is in the affirmative.

DENMARK

26. (a) The reply is in the affirmative.

(b) The Draft Convention should stipulate that contributions should be paid by the workers, the employers and the public authorities, while the question of the proportions in which the cost should be met should be left to be fixed by national laws or regulations.

27. The reply is in the affirmative.

28. The details of the organisation of the insurance scheme should be left to be settled by national laws or regulations.

FINLAND

26. It is suggested that these matters should be left to national legislation.

In Finland, the State subsidy to the unemployment funds amounts to two-thirds of the sums paid by the funds to their members if the latter have children to maintain, and to one-half of the benefit paid if members have no dependent children.

27. The competent authorities in Finland are empowered to supervise the financial soundness of the voluntary unemployment insurance funds.

28. As experience has shown that it is difficult in times of depression to finance unemployment relief schemes in an adequate and rapid manner, it is thought that it would be useful to set up an emergency fund to be used either for the organisation of work or for insurance or other forms of relief.

GREAT BRITAIN

26. (a) The reply is in the affirmative.

(b) and (c) No. There should be a contribution to the insurance scheme not only from the worker but from parties other than the worker who are interested in maintaining his efficiency, e.g. the employer and the State. In an insurance scheme there should be a substantial contribution from each of these three parties, but the proportion in which each should contribute should be left to national laws.

27. Yes; periodical review of the financial position of the insurance fund coupled with a binding obligation of the administrators of the scheme to modify rates of contributions, rates and periods of benefit or conditions and disqualifications for benefit, in so far as necessary to make the fund reasonably sufficient to meet its liabilities.

28. While the contributory scheme should be self-supporting in all circumstances the contributions should not be more than sufficient to meet anticipated outgoings. No objection is seen to the retention of a reserve as a result of contributions accumulated over a period proving to be more than outgoings.

HUNGARY

26 to 28. In an assistance scheme the raising of the necessary funds is the responsibility of the public authorities (the local authority and the State). The sharing of this responsibility between the various public authorities and the fixing of the character of their contributions is a matter to be dealt with by national laws or regulations. In Hungary, under Decrees issued in accordance with section 29 of Act I of 1922, a distress contribution may be levied on persons paying taxes on income and dividends. The proceeds of this levy enable the towns and communes to provide the funds necessary for the assistance scheme apart from the contributions furnished by private initiative.

ITALY

26. The Draft Convention should stipulate that the States Members should take the legislative measures necessary to raise the funds required for the payment of unemployment benefit in accordance with the Convention, and should also stipulate that the funds should be raised by contributions from employers and workers, but should leave full liberty to the national legislations as regards the amount of the contributions and the proportions between the contributions of employers and workers and any contribution which may be made by the State.

27. The decision as to what measures are necessary to ensure the financial soundness of the insurance scheme should also be left to national legislation. Among such measures, and merely by way of illustration, the first place should be given to the building up of substantial reserves.

28. The Draft Convention should stipulate that an emergency fund should be established, leaving the manner in which this fund is to be raised to be dealt with by national legislation. It might further be suggested in the Recommendation that in periods of depression compulsory insurance should be supplemented by an assistance scheme.

NETHERLANDS

26. (a) The reply is in the affirmative.
(b) This matter should be left to national laws or regulations.
(c) No reply to this question is necessary in view of the foregoing.

27-28. The replies are in the negative. The matter may very well be dealt with by national legislation. As regards Question 28, it may be observed that in the Netherlands legislation dealing with unemployment insurance is in course of preparation. The scheme provides for the establishment of an emergency fund to which the State, the local authorities, and the employers would contribute annually a sum intended to subsidise the unemployment funds in periods of depression and, if possible, to meet other expenditure designed to prevent or combat unemployment. See also the answer to Question 2.

NORWAY

26. (a) The reply is in the affirmative.
(b) This matter should be left to national laws.
27. The reply is in the negative.
28. No; this question should be dealt with in a Recommendation.

POLAND

26. (a) The Government is of opinion that this requirement follows logically from the obligation laid down by the Convention to organise or maintain unemployment insurance.

(b) and (c) (i), (ii) and (iii). The Draft Convention should simply lay down the general principle of contributions by workers and employers. The question of contributions by the public authorities should be left to be dealt with by national legislation.

27. The measures to be taken to maintain the financial soundness of the unemployment benefit scheme should be left to be dealt with by national laws and regulations.

28. This question should not be dealt with in the Draft Convention.

SPAIN

26. The Draft Convention should include provisions requiring each country to take measures, by national laws or regulations, concerning the method of raising the funds required for unemployment insurance. The system of tripartite contributions, that is to say, contributions by the State, the employer and the worker, should be indicated as being the best.

27. The reply to this question implies nothing less than the solution of the actuarial problems involved in making unemployment insurance technically possible. Financial equilibrium is of such importance that it is only when the system adopted to provide benefit for unemployed persons can maintain such equilibrium that it can be regarded as being insurance properly so called. Among the measures calculated to permit of the maintenance of financial equilibrium mention might be made of the restriction of expenditure by a precise definition of what is meant by genuine unemployment, constant effort to secure the best correlation between the various means of assisting persons genuinely unemployed, and a frequent revision of insurance benefits and contributions.

28. Yes; an emergency fund is absolutely necessary to any sound system of unemployment insurance. Nevertheless, the Convention should not lay down the precise method to be adopted for the establishment of an emergency fund. In this respect Spanish legislation, while recognising the extreme difficulty of providing an absolute guarantee, has established a mutual assistance fund which is raised by a levy of 5 per cent. on the income of the primary funds established under the unemployment insurance scheme and by a subsidy of a further 5 per cent. provided by the State. The purpose of this system is to emphasise the interdependence of all the industries and all the districts in the country by utilising the fund so as to compensate so far as possible for any temporary increase in involuntary unemployment which may arise in normal times in certain districts or in certain trades.

SWEDEN

26. (a) It does not appear necessary to require the constitution of a reserve fund on the lines followed by insurance companies.

(b) This should be left to national laws or regulations, owing to the diversity of conditions in the various countries.

(c) See reply to point (b) above.

27. As regards voluntary insurance, the Draft Convention should require the individual funds to constitute an equalisation fund in order to obviate the necessity of levying special contributions to meet extraordinary expenditure.

28. See reply to Question 27 above.

SWITZERLAND

26. (a) As the Draft Convention will not define the benefit scheme to be applied in the contracting States, any such obligation would have different results in the various countries. Moreover, so far as Switzerland is concerned, it is doubtful whether its constitutional principles would allow it to take the measures necessary to meet this obligation. Nevertheless, in order to contribute to the practical efficacy of the Convention, the Government suggests

that the States should be advised, in a Recommendation, to ensure the timely and methodical raising of the sums necessary for the payment of unemployment benefit.

(b) and (c) If the proposal made in Question 26 (a) is adopted, national legislation should be left free to fix the manner in which the sums necessary are to be raised and the proportion payable by each class of contributor. Nevertheless, a recommendation might be made that the contracting States should provide for the payment of contributions by the three groups mentioned in clause (c) — workers, employers and the public authorities.

27 and 28. Having taken the view that the Convention should not specify the benefit system to be applied by the various States, it follows that the Government must hold that the measures to maintain the financial soundness of the unemployment benefit system should be left to national legislation. So far as Switzerland is concerned, it should be noted, for example, that efforts have been made to oblige insurance institutions to establish reserve funds and to invest such money in safe securities. The establishment of an emergency fund might be the subject of a recommendation to the contracting States.

UNION OF SOUTH AFRICA

26. (a) Yes, it would appear desirable that each State Member should be required by the Draft Convention to bind itself by legislation to provide the necessary sums. A compulsory insurance scheme, such as that contemplated in South Africa, would necessarily involve provisions of this nature.

(b) This should be left to national laws or regulations.

(c) Falls away, in light of the reply to (b).

27. Yes, but the nature of the measures should be left to national laws or regulations. In the scheme proposed for South Africa, it is intended that a central State authority should supervise the working of the management committees in the specified industries, thus ensuring that the fund in each industry is maintained in a financially sound condition.

28. Yes, but the manner in which such funds should be raised or controlled should be a matter for decision by the national authority.

YUGOSLAVIA

26. The Government is of opinion that the Recommendation should include provisions dealing with the financial resources required for the payment of unemployment benefit and with the proportions in which the contributions are to be raised. For this purpose the Recommendation should provide that contributions should be paid :

(a) as to two-sevenths by the workers ;

(b) as to three-sevenths by the employers ; and

(c) as to two-sevenths by the public authorities. Further, the State should meet at least 75 per cent. of the cost of providing free travel for unemployed persons to a place of employment.

27. Steps should be taken under national legislation to create a special emergency fund under the insurance scheme to enable benefit to be paid to unemployed persons coming under the scheme in periods of depression.

28. As already indicated, provision should be made for the creation of an emergency fund for the assistance in periods of depression of skilled workers coming under the unemployment insurance scheme. The establishment of this fund should be left to be dealt with by the national legislation, but in any event the basis of the fund should be ensured in normal times by the reserves accumulated in the funds of the unemployment insurance scheme. Further, the contribution of the State and other public authorities towards this emergency fund should be on a larger scale than in normal economic times. The determination of these contributions should be left to the national legislation.

VII. ADMINISTRATIVE ORGANISATION

29. Do you consider that the Draft Convention should contain provisions — and what provisions — as to the participation of

(a) the public authorities,

(b) the workers' organisations, and

(c) the employers' organisations,

in the administration of the unemployment benefit scheme ?

30. Do you consider that the Draft Convention should include provisions on the methods of determining claims ? What provisions do you propose ?

AUSTRIA

29 and 30. The administrative organisation of unemployment insurance should be left to be settled by national legislation, since the system of public administration and the organisation of employers and workers vary considerably from country to country. The method of determining claims should also be left to national regulation.

BELGIUM

29. No, these matters should be left to be dealt with by national laws or regulations.

30. No ; these matters should be left to be dealt with by national laws or regulations.

BULGARIA

29. (a), (b) and (c) The reply is in the affirmative.

30. The reply is in the affirmative.

CANADA

Manitoba.

29. (a) Public authorities, three members.

(b) Workers' organisations, two members.

(c) Employers' organisations, two members.

30. Yes. Local voluntary committees.

CHILE

29. All the bodies mentioned in this section should participate in the administration of the insurance scheme; the Draft Convention should contain a stipulation to that effect.

30. This is a matter which should be left to national legislation.

DENMARK

29. The Draft Convention should lay down that the insurance scheme should be subject to special official supervision. On the other hand, the question of the participation of employers' and workers' organisations in the administration should be left to be dealt with by national laws or regulations.

30. These provisions should likewise be left to be dealt with by national laws or regulations, the Draft Convention merely stipulating that the national laws or regulations must include the provisions necessary to ensure the right to benefit.

FINLAND

29. When the unemployment insurance funds receive contributions out of public funds or from the employers, it is desirable that all those who contribute should take part in the administration of the funds.

The organisation of relief works in Finland is undertaken by the Unemployment Council, on which both the workers' and employers' organisations are represented.

30. The reply is in the affirmative.

GREAT BRITAIN

29. (a) The scheme should be administered under effective State control.

(b) and (c) If there is under a national scheme a body to advise on administration, employers' and workers' organisations should be consulted as to its constitution. Workers' organisations which themselves make unemployment payments to their members should be allowed to participate in administration of the insurance scheme to the extent of recording proof of unemployment at their own offices, and paying out the State benefit at their own offices to their own members.

Any existing special schemes of compulsory insurance for separate industries providing benefits as favourable as the benefits of the general scheme, and operated jointly by representatives of employers' and workers' organisations, might be permitted.

30. Yes. The Convention should include a provision that insured persons shall have a right of having their cases decided either in the first instance or on appeal by a tribunal on which there are representatives of insured persons and employers in equal numbers.

HUNGARY

29 and 30. In Hungary the institutions primarily responsible for assisting the unemployed are set up by the local authorities with the voluntary help of individuals. The method of organisation depends on the administrative structure of the State and the matter should, therefore, be left to be settled by national laws and regulations.

ITALY

29. The Draft Convention should stipulate that the administration of insurance against unemployment should be entrusted to a public institution of a governmental or a quasi-governmental character, and that representatives not only of the public authorities but also of the organisations of employers and workers should participate in the administration of the institution.

30. The Draft Convention should leave the decision as to the methods adopted for the determination of claims to be settled by national legislation.

NETHERLANDS

29 and 30. See reply to Questions 27-28.

NORWAY

29. No; the question of administrative organisation should be left to national laws. In a Recommendation it should be recommended that employers and workers should co-operate in the administrative organs of the scheme.

30. The Draft Convention should provide that a right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit. The methods of determining claims should be dealt with in national laws.

POLAND

29. The Draft Convention should provide for the participation of representatives of employers, workers and public authorities in the administration of the insurance system.

30. The Draft Convention should provide, in the case of compulsory insurance, for a right of appeal against the decision of the insurance institution to a special body independent of that institution.

SPAIN

29. The reply is in the negative as regards the details of the organisation, since there is a great diversity of systems and each country must be left free to choose the system which is most suitable to its administrative organisation. The principle should, however, be laid down that the insurance scheme should be administered by self-governing institutions established by the State or by the persons concerned, and that all the classes concerned in insurance should be represented on the administrative organs of these institutions.

30. The reply is in the affirmative. A special system of jurisdiction, which should be administered by both employers and workers, and be simple and entail no charge upon the claimant, might be established. The joint committees for social welfare, which exist in Spain, might be taken as an example.

SWEDEN

29. The public authorities as well as the workers' organisations and, where employers share the cost of contributions, the employers' organisations should participate in the administration of the unemployment benefit scheme.

30. These provisions should be left to national legislation.

SWITZERLAND

29. The Draft Convention should not contain provisions in this connection, as the unemployment benefit systems vary too widely. On the other hand, the Swiss Government considers that the States might be recommended to make provision for the

participation in the administration of the public authorities, workers' organisations and employers' organisations. In all cases the public authorities should be responsible for the final supervision.

30. Yes ; the unemployed person should in all cases have the opportunity of appealing to an independent authority.

UNION OF SOUTH AFRICA

29. Such provision falls within the proposed scheme for South Africa, but it would appear preferable that this matter should be dealt with in the complementary Recommendation.

30. The Draft Convention should provide that satisfactory procedure should be laid down by States Members, but the details of procedure should be left to national laws or regulations. In South Africa, it is proposed that claims should be determined by the management committee for each industry, and that disputes should be settled by a central government authority.

YUGOSLAVIA

29. The administration of the benefit schemes should be entrusted to the employers and workers under the supervision of the State authorities.

30. The reply is in the negative.

VIII. TREATMENT OF FOREIGN WORKERS

31. (a) Do you consider that the Draft Convention should lay down the principle of equality of treatment for foreign and national workers as regards benefit, provided the foreign workers fulfil the same conditions as national workers ?

(b) Should the Draft Convention limit equality of treatment to foreign workers who are nationals of a country which has ratified the Convention or which applies its provisions to foreign workers ?

(c) Should the Draft Convention provide for special arrangements for unemployed workers in frontier zones, having their residence in one country and working in a neighbouring country ? What arrangements do you propose ?

AUSTRIA

31. The principle of equality of treatment for foreign and national workers as regards unemployment benefit must be regarded as the objective to be reached in the future. For the present, however,

there are numerous difficulties in the way of attaining it. In this connection it may be pointed out that the mobility of labour internationally is still very far from complete, that some States have not yet established any system of public relief for the unemployed, and that in others unemployment insurance benefits are inadequate.

In these circumstances the only field in which equality of treatment can be contemplated is that of unemployment *insurance*. To the extent, however, that the financial basis of the benefits is not insurance but public assistance, States cannot be required to extend such public assistance to all immigrants.

To the extent that it exceeds the scope of insurance proper, equality of treatment should be based on reciprocal agreements. This would also afford the best means of facilitating the generalisation and international standardisation of relief for the unemployed.

BELGIUM

31. (a) Yes, within the limits of voluntary insurance and subject to the foreign workers fulfilling the same conditions as national workers.

(b) Yes ; the Draft Convention should provide that under the insurance system equality of treatment should be limited to foreign workers who are nationals of a State which has ratified the Convention and which applies its provisions to foreign workers, whereas the question whether or not equality of treatment should be accorded to foreign workers or to certain foreign workers under the system of assistance should be left to be dealt with by national laws or regulations.

(c) No, this matter should be left to be dealt with by national laws or regulations.

BRAZIL

31. (a) The reply is in the affirmative.

(b) The reply is in the negative.

(c) This question does not arise in the case of Brazil.

BULGARIA

31. The reply is in the affirmative to point (b).

CANADA

Manitoba.

31. (a) The reply is in the affirmative.

(b) Not if worker has fulfilled usual obligations.

(c) If both countries have ratified Convention, reciprocal arrangements could be made. If not, worker could come under scheme, providing three-fifths of contribution had been regularly paid.

CHILE

31. (a) Yes, with the sole exception of foreign workers belonging to a country which does not apply the principle of equality of treatment in this matter.

(b) Dealt with in the preceding reply.

(c) Yes ; it might be laid down that frontier workers should be covered by the insurance scheme of the country in which they were employed and agreements could be drawn up between the insurance institution in that country and the institution in the country of origin of the workers by which the latter would be obliged to give the appropriate assistance to insured persons under the conditions laid down in the legislation of the country in which they were employed.

DENMARK

31. (a) Yes. Under the Danish legislation foreign workers have the same rights in regard to benefits as national workers, provided, of course, that they fulfil the conditions laid down for obtaining benefit.

(b) Yes, see the reply under (a).

(c) The Government does not see any necessity for such special arrangements being provided for in the Convention.

FINLAND

31. (a) and (b) The principle of equality of treatment for foreign and national workers should be limited to countries granting reciprocal treatment.

(c) When the above-mentioned system is not sufficient to protect unemployed persons in frontier zones, special agreements should be concluded between the countries concerned.

GREAT BRITAIN

31. (a) The reply is in the affirmative.

(b) Yes, so far as the Draft Convention imposes an obligation.

(c) The reply is in the negative.

HUNGARY

31. (a) The Hungarian Government is of opinion that foreign workers should be treated in the same way as national workers as regards assistance. The conditions to be fulfilled in order to obtain assistance should, therefore, be the same for all workers.

(b) Since the grant of assistance to persons involuntarily unemployed is dictated by considerations of humanity, it is not desirable that the grant of assistance to foreign workers should be conditional on whether or not there is reciprocity on the part of the State of

which the unemployed persons are nationals. In Hungary foreign unemployed persons are treated on the same footing as Hungarians without any distinction of nationality (see reply to Question 1 (*b*)).

(*c*) The Draft Convention should make provision for special arrangements between States, as is provided in the Draft Convention drawn up by the Conference of Experts convened by the League of Nations to deal with the question of assistance to foreigners.

ITALY

31. (*a*) The Draft Convention should lay down the principle of equality of treatment between national and foreign workers as regards benefit, provided that the foreign workers fulfil the same conditions as national workers.

(*b*) Equality of treatment should be accorded irrespective of whether the State of which the worker is a national has or has not ratified the Convention on unemployment insurance.

(*c*) The Convention should also provide for equality of treatment for workers in frontier zones residing in one country and working in the neighbouring country, the arrangements being left to be settled by agreement between the States concerned.

NETHERLANDS

31. The replies to points (*a*) and (*b*) are in the affirmative. As regards (*c*) it does not seem necessary to provide for special arrangements.

NORWAY

31. (*a*) and (*b*) The replies are in the affirmative.

(*c*) No ; this question should be solved by bilateral agreements. The Conference should however recommend the States Members concerned to make the necessary arrangements in this respect.

POLAND

31. (*a*) It is essential that the Draft Convention should be based on the principle of equality of treatment of foreign and national workers as regards benefit. The Government does not object to the condition that a foreigner must fulfil the same conditions as national workers.

(*b*) The Draft Convention might limit equality of treatment to foreign workers who are nationals of a country which has ratified the Convention or which applies its provisions to foreign workers.

(*c*) Special arrangements in this respect are desirable. It would be appropriate to provide that frontier workers working in the territory of one country and residing in another country should be enabled while they are in the territory of the latter country to receive unemployment benefit from the former country.

SPAIN

31. From a social point of view the system of equality of treatment should obviously be adopted, since it is more humane than the system based on merely political considerations of reciprocity. This is all the more so, since efforts are being made to avoid the risks which arise in various countries from migratory movements by means of measures of a political character which States generally apply. Spanish legislation is, however, based on the principle of reciprocity, which is presumed to exist in respect of certain countries (Portugal, Andorra and South America).

SWEDEN

31. (a) The reply is in the affirmative.

(b) Equality of treatment for foreign workers should be limited to nationals of countries which have ratified the Convention.

(c) This matter should be settled by special arrangements negotiated directly between the countries concerned.

SWITZERLAND

31. (a) No ; the Swiss Government considers that the contracting States should not be obliged to apply the principle of equality of treatment to nationals of States which have not adhered to the Convention.

(b) Yes ; but in this connection States should be left free to make the right to benefit conditional on the foreign worker having been domiciled for a certain time in the State in which he makes his claim for benefit. The length of this qualifying period should in no case exceed five years.

(c) The Draft Convention should not regulate this question but leave the States to deal with it by bilateral agreements. Should the Draft Convention, however, regulate this matter, the Government proposes that workers in frontier zones should be included in the benefit system of the State in which they are domiciled.

UNION OF SOUTH AFRICA

31. (a) The reply is in the affirmative.

(b) The reply is in the negative.

(c) Any remarks by South Africa would be academic, and, it is felt, would not be of sufficient value to warrant their inclusion.

YUGOSLAVIA

31. The Recommendation should lay down the principle of equality of treatment of foreign workers and nationals on condition that the foreign workers fulfil the same conditions as the nationals. This principle of equality should be conditional on reciprocity of treatment. It would also be desirable to recommend that neighbouring countries should enter into special treaties in order to guarantee that frontier workers who are unemployed would receive at least a minimum benefit.

IX. POSSIBILITY OF INCLUDING CERTAIN POINTS
IN THE COMPLEMENTARY RECOMMENDATION

32. Do you consider that any of the points raised in the preceding questions should be dealt with in the complementary Recommendation rather than in the Draft Convention? What points, and what provisions on them, do you propose?

AUSTRIA

32. The various points that should be dealt with in the complementary Recommendation have been mentioned in the replies to the previous questions.

BELGIUM

32. The matters which might be dealt with in the Recommendation have been mentioned in the course of the preceding replies.

BRAZIL

32. No reply.

BULGARIA

32. The reply is in the negative.

CANADA

Manitoba.

32. Yes: Question 16, (a), (b), (c) and (d), and Question 6, (b), (c) and (f).

CHILE

32. It might be left to the Recommendation to lay down detailed rules concerning administration and financial organisation, the prevention and suppression of abuses by claimants, and the point mentioned in Question 30.

DENMARK

32. See the replies to Questions 8, 11 (b) and 13 (b).

FINLAND

32. No reply.

GREAT BRITAIN

32. The answers to the preceding questions indicate the matters which should be included in the Convention. It is suggested that there should be a Recommendation to members to study measures and methods of unemployment assistance complementary to unemployment insurance schemes.

CHAPTER II

GENERAL SURVEY OF THE PROBLEM IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS

I. — Form and Character of the International Regulations

QUESTIONS 1 AND 2 : REPLIES ON PAGES 9 TO 22

Form of International Regulations

The first question put to Governments dealt with the form which any international regulations should take. The question was : (1) whether a Draft Convention should be adopted ; (2) whether that Draft Convention should be completed by a Recommendation.

Three Governments only, while admitting the possibility of international regulation, state that they are opposed to the adoption of a Draft Convention. This is the case with Estonia, which at the most would consider the adoption of a Recommendation ; in the absence of any practical experience of unemployment insurance, this Government refrains from making any suggestions on the various points dealt with in the questionnaire. Finland and Yugoslavia are also opposed to the adoption of a Draft Convention. They urge the practical difficulties which the application of binding and uniform regulations would encounter, owing to the variety of conditions in the different countries and the inequalities in their degree of industrial development, and they suggest that action should be confined to laying down, in a general Recommendation, suggestions and guiding principles¹.

All the other States which have replied are in favour of the adoption of a Draft Convention and, in general, also of the adoption of a complementary Recommendation (Austria, Belgium, Brazil, Bulgaria, Canada (Province of Manitoba), Chile, Denmark, Great Britain, Hungary, Italy, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, Union of South Africa).

¹ Although these two countries are prepared to accept only a Recommendation, they have indicated precisely on each point of the Questionnaire the provisions which they would desire to be adopted. In the questions which follow mention is made of the views which they have expressed, but with this reservation, made here once for all, that their proposals have in view the adoption of a Recommendation.

Examination of the replies gives a clear indication on the first point, namely, that the great majority of the States which have answered the question consider that the Conference should adopt for the proposed international regulation both a Draft Convention and a Recommendation.

Character of the Regulations

Some of the countries forming this majority have indicated the lines on which they consider that the Convention and Recommendation to be drafted should be generally conceived.

Austria is of opinion, for example, that the international regulations will be the more easily applicable the more they are confined to establishing certain principles, questions of detail being left to the States Members. Belgium thinks that it will be necessary to make the Convention and Recommendation as elastic as possible and systematically to avoid including any provision which might entail non-acceptance by one or more States. Spain is apparently influenced by the same considerations when it advises that regulations should be adopted in both forms, part of the subject-matter being dealt with within the stricter limits of a Draft Convention and the remainder within the wider scope of a Recommendation. Italy considers that the Draft Convention should contain an obligation to pay benefits to persons involuntarily unemployed and that the Recommendation should lay down the lines which should be followed by national legislation on the matters which cannot be dealt with in the Convention. Finally, Switzerland is of opinion that the Convention should only cover the fundamental principles of assistance to the unemployed and should leave the States to regulate questions of detail.

The question of the character of the regulations was raised in the Questionnaire as a special point, supplementary, it is true, to the main question as to the actual form of the decisions to be adopted by the Conference. Question 2, in fact, asked the Governments whether the Draft Convention should define the system to be applied in the organisation of benefit schemes for involuntarily unemployed persons, i.e. compulsory unemployment insurance, voluntary unemployment insurance, unemployment assistance, or, finally, a combination of these three systems or of any two of them.

On this point, one group of Governments asks that the regulations should lay down which system is to be applied. In the first place, Bulgaria, Chile, the Canadian Province of Manitoba, Great Britain, Italy, Poland and Yugoslavia propose that a system of compulsory insurance should be imposed. There are however certain divergencies or restrictions in their suggestions. Bulgaria proposes that compulsory

insurance should be combined with a system of assistance. Poland contemplates the parallel organisation of a system of assistance for unemployed workers who have either not yet acquired the right to insurance benefits or have exhausted that right, leaving the choice of system to national legislation. Yugoslavia suggests that the compulsory insurance scheme should be limited to the more important classes of skilled workers, and that for other classes a scheme of assistance should be provided, leaving national legislation to determine which classes should be covered by one or the other scheme; it would further be in favour of a special emergency benefit in times of depression for insured workers who have exhausted their right to benefit.

Another country, Belgium, proposes that the Draft Convention should be based on voluntary insurance and that the Recommendation should deal more particularly with the introduction of a system of assistance following upon the period of insurance.

Finally, Hungary suggests that the Convention should provide for a system of assistance, but that the choice of system and the methods and amount of assistance to be given should be left to national legislation.

All the other States which have replied to the question consider that national legislation should be left to decide the nature of the system to be applied. This is the case with Austria, Brazil, Denmark, Finland, Netherlands, Norway, Spain, Sweden, Switzerland and the Union of South Africa. While opposed to determining by a binding provision which solution should be applied, almost all these Governments desire to emphasise, to some extent, their preference. Austria prefers in this respect a scheme of compulsory insurance, combined with an assistance scheme. Brazil states that the various kinds of relief which it has at its disposal already enable it to deal satisfactorily with the problem of unemployment, but that it is prepared to encourage and assist financially the introduction of unemployment insurance by friendly societies for the benefit of their members. Denmark considers that the system of voluntary insurance which it has in operation is best adapted to its conditions. Norway prefers a system of compulsory insurance combined with assistance, and also points out later that under a voluntary system supplementary measures would have to be provided for uninsured workers. The Netherlands would favour a system of voluntary insurance supplemented as may be necessary by a system of assistance and helped, in times of unemployment on a large scale, by an emergency fund. Switzerland, while pointing out that its own scheme is a combination of the various systems, suggests that the systematic development of assistance might be indirectly encouraged; it might

be provided, for example, that the contracting States should undertake to introduce organised measures enabling them to assist unemployed persons without having recourse to poor relief. Finally, the Union of South Africa states that the Bill which it has in preparation proposes a combination of compulsory insurance and assistance.

Sweden may perhaps also be classed with this group, since, after proposing that the Draft Convention should leave to the States to choose the type of benefit scheme they prefer, it suggests as an alternative another solution: a combination of unemployment insurance, the organisation of public works, and cash relief, the last two systems being intended for workers who have not yet acquired or have exhausted their right to insurance benefit.

From the information summarised above the following conclusions may be drawn. Although the large majority of States is agreed that payment of benefits in some form should be insured to persons involuntarily unemployed, there exists a great difference of opinion as regards the system to be used for the attainment of this end. Compulsory insurance, voluntary insurance, assistance, or a combination of one with another, are recommended by some States, but in fact the tendency shown by the greatest number of Governments is to leave full freedom of choice to national legislation. In these circumstances it does not seem possible that the Draft Convention should provide for the enforcement of any one system or combination of systems, to the exclusion of the others. The only solution which the Office can propose is therefore the following: the principle could be laid down that each State Member ratifying the Convention must ensure the payment of benefit or of an allowance to persons involuntarily unemployed. It should then be provided that in order to fulfil this obligation, the States must maintain a scheme covering all persons to whom the Convention applies, which they may be free to choose from among the various schemes allowed by the Convention.

In order to complete this general provision, the Recommendation could lay down: (1) that in countries where compulsory insurance is not in operation, steps should be taken to create such a system as soon as possible; (2) that where an insurance scheme is in operation, it should be completed by an assistance scheme, independent of the ordinary arrangements for the relief of destitution and intended to cover persons who have exhausted their right to benefit and in certain cases persons who have not yet acquired that right.

II. — Definition of Unemployment

QUESTION 3 : REPLIES ON PAGES 22 TO 28

On this point of the Questionnaire the Governments were asked whether they considered that the Draft Convention should include, for the purpose of its provisions, a definition of unemployment and whether they had such a definition to propose, for total unemployment and for short time.

The replies to this question can be divided into three groups : those which agree with the principle that a definition should be inserted in the Draft Convention, but do not propose any precise form of words ; those which make definite proposals ; and, thirdly, those which reply in the negative.

In the first of these groups are Bulgaria and the Canadian Province of Manitoba, which contemplate a definition only of total unemployment.

The Governments which propose definitions are : Belgium, Chile, Finland, Great Britain, Hungary, Poland, Spain, Switzerland and Yugoslavia. Their proposals differ, however, very widely. As regards the scope and method of definition, that proposed by Poland applies to the unemployed person entitled to benefit rather than to unemployment and it does not include a definition of the short-time worker, which this Government proposes should be reserved, with the whole question of short time workers, for the Recommendation ; Great Britain, Spain and Switzerland suggest general forms of words which apply without distinction both to short time and to total unemployment ; while Finland apparently prefers to proceed by elimination and to enumerate the persons who are not to benefit from unemployment insurance.

As regards the standards upon which the proposed definitions are based, it will be noted that, except for Great Britain, which bases its definition on the absence of wage-earning, in relation to a very short period of time (one day), the points most frequently mentioned in the replies are really aspects which had been detached in the Questionnaire from the definition itself to form the subject of special questions, under such headings as scope or benefit conditions. Thus some replies anticipate Question 4 and bring into the definition the idea of wage or salary-earning work. They cover " a person who is normally engaged as a wage-earner or salaried employee " (Belgium), persons " ordinarily engaged in wage-earning or salaried employment " (Poland) or " persons who habitually exercise a regular occupation for remuneration " (Switzerland). Another idea which appears in several proposals is that of capacity for work (which was also the subject of a special question in the Questionnaire, under No. 12). This

applies to Belgium, Chile, Finland, Poland and Spain. Again, other answers suggest, in a more or less explicit form, that the unemployed person should be available for the work offered and prepared to accept suitable employment (which was the subject of points 12 and 13 in the Questionnaire). Poland and Switzerland refer to the unemployed person's willingness to work and the latter country considers that in addition he should be suitable for employment. Spain takes into consideration the impossibility of the unemployed person's obtaining adequate employment in his usual occupation; Hungary, the impossibility of his obtaining employment in a trade suited to his physical and mental powers. Finland goes further in excluding from the definition persons who refuse to accept work for which they are suited, provided that it is not work in an undertaking affected by a strike or lock-out and that the wage corresponds to the usual rate in the district; if, however, the work is paid or subsidised out of public funds, the wage may be fixed at a slightly lower rate and if the employment offered is in another district, a lump sum must be granted to cover the cost of the unemployed person's journey there and back.

It seems therefore that in spite of their desire to define unemployment the Governments have experienced some difficulty in finding a general form of words which would meet with the approval of all the States and that they have been led to bring into their definitions notions which, from the point of view of the Seventeenth Session and of the authors of the Questionnaire, should be the outcome of the actual provisions of the Convention on other points. The remarks of the Swiss Government seem to confirm this view, since, after emphasising the difficulty of defining unemployment as such, it proposes to take as a basis the conditions which would entitle persons to be considered as unemployed within the meaning of the Convention, since certain factors which may depend upon the unemployed worker's personality may exercise a decisive influence.

Finally, mention should be made of the eight Governments which have replied to the question in the negative: Austria, Brazil, Denmark, Italy, Netherlands, Norway, Sweden and the Union of South Africa, two of which, Austria and Italy, admit at the utmost that the proposed definition might find a place in the Recommendation.

It remains to draw a conclusion from this brief survey. A small numerical majority of Governments is in favour in principle of inserting a definition, but, as has been seen, when it comes to drawing up the definition itself, most of them, instead of a general form of words, enumerate various notions or conditions with which in any case other provisions of the Convention would have to deal. This fact is worth noting.

Owing to the difficulty of finding a form of words wide enough not to risk the exclusion of any case at present covered by the various laws and regulations, the Office has not thought it possible — and moreover it would be superfluous — to begin by giving in the Draft Convention a formal definition of unemployment, when the very object of most of the Articles which follow is to decide what are the cases of unemployment which, under the Convention, are to be covered by the proposed insurance and assistance schemes.

However, in conformity with the replies of several Governments and with the practice adopted in several countries, the Recommendation might lay down that partially unemployed workers should be included along with totally unemployed persons in insurance and assistance schemes, and indicate that persons should be considered to be partially unemployed whose remuneration has been reduced by not less than one-third as compared with their normal remuneration.

III.— Scope

QUESTIONS 4 TO 9 : REPLIES ON PAGES 29 TO 44

Application to Wage Earners and Salaried Employees (Question 4)

The purpose of Questions 4, 5 and 6 was to define the scope of the future Draft Convention.

Question 4 raised the question (a) whether the Draft Convention should apply only to wage earners and salaried employees, and (b) whether among these it should apply to all categories or provide for exceptions for some of them.

(a) Only two countries consider that the scope of the Convention should not be restricted only to wage earners and salaried employees: Brazil, which desires a very wide scope, to include assistance to workers of all categories without distinction who are involuntarily unemployed, and Chile, which proposes to include craftsmen and small industrialists and traders, subject to a limit of their average earnings to be fixed by national legislation.

While agreeing with the principle raised by the question, two other Governments desire somewhat to widen the scope. Sweden desires a reservation allowing persons who work on their own account from time to time, but for less than half the year, to be treated as wage-earners. Similarly, Finland points out, that with regard to unemployment relief, its legislation places small farmers whose holdings are too small to provide them with adequate means of existence on the same footing as wage earners.

Finally, Great Britain defines the meaning it attaches to the term "wage earners and salaried employees" by stating that the Draft Convention should apply not only to persons employed under a contract of service, but also to persons under a contract of apprenticeship with money payment.

All the other Governments which have expressed an opinion (Austria, Belgium, Bulgaria, the Canadian Province of Manitoba, Denmark, Hungary, Italy, Netherlands, Norway, Poland, Spain, Union of South Africa, Yugoslavia) have replied affirmatively, without reservations.

On the first point a considerable majority is in favour of applying the Draft Convention only to wage earners and salaried employees, i.e. to persons habitually employed in return for wages or salary.

(b) As regards the possibility of excepting certain categories of wage earners and salaried employees from the scope of the Draft Convention, all the Governments which have expressed an opinion on this point have replied in the affirmative.

Agricultural Workers (Question 5)

In the part of the Questionnaire dealing with scope the Seventeenth Session made a point of devoting a special question to an important category of workers, whose conditions differ from those of the other categories, namely, agricultural workers. The object of Question 5 was to discover whether in the opinion of the Governments, agricultural workers should come under the same Draft Convention as industrial workers. For this purpose it asked (a) whether the Convention should include all agricultural workers, or only some of them, such as forestry workers, or only horticultural workers and gardeners; (b) whether, in the event of an affirmative reply to (a), the various categories of agricultural workers, or some of them, should be included in the general benefit scheme or in a special scheme.

The opinions expressed in answer to this question are very varied. In the first place, seven Governments are definitely or at least in principle favourable to the inclusion of all agricultural workers in the Draft Convention. Five of them propose to include them in the general system: Chile; Denmark, which proposes that the Convention should apply to all wage earners and salaried employees without other resources but that national legislation should have the right to make exceptions on points of secondary importance when special circumstances justify it; Hungary, which does not wish to exclude any category of persons involuntarily unem-

ployed; the Netherlands; and Sweden. The two remaining Governments, Spain and the Canadian Province of Manitoba, propose to provide a special scheme for the workers in question, Spain appearing to be desirous that they should not be excluded entirely precisely because they form in that country one of the classes most severely affected by unemployment. Reference should also be made to Finland, which, as has been said, is in favour only of a Recommendation containing suggestions and guiding principles; without specially mentioning agricultural workers, it considers that insurance should be applied to all wage earners and salaried employees and relief to all unemployed persons who are in need of it.

On the other hand, Great Britain does not definitely decide in one way or the other; it refers to the difficulties which may arise, owing to the difference in conditions, in establishing a system for agriculture similar to that for industry generally and suggests that the practicability of agricultural unemployment insurance should be examined. If found practicable, it proposes that agricultural workers should be included in the general scheme, but with rates of contributions and benefits and conditions suitable to the general conditions of the industry.

The Union of South Africa is, generally speaking, of opinion that each State should be left to decide which categories should be included in the scope of the Convention and which excluded.

Yugoslavia proposes that national legislation should be left to determine whether agricultural workers, or certain categories of them, should come under the scheme of compulsory insurance or the scheme of assistance.

Finally, Austria, Belgium, Italy, Norway, Poland and Switzerland consider that these workers should be excluded from the Convention; two of these countries merely propose that the question should be dealt with in the Recommendation, suggesting the possibility of adopting a special system of insurance for agricultural workers as a whole (Belgium), or recommending the participation in compulsory insurance of those categories to which such a scheme can be applied with less difficulty, such as agricultural workers engaged on work of an industrial character (Italy). It may be added that Norway, while in favour of exclusion, states that a special scheme should be set up for these categories.

It remains to consider what conclusions can be drawn from this analysis.

When the Conference inserted a special question on the subject in the Questionnaire, it recognised that the inclusion of agricultural workers in insurance and assistance schemes presented special aspects and that the general features of these schemes might not perhaps be applicable to agricultural

workers. The questions which arise are the following : Should agricultural workers be included in the scope of a Convention without allowing any possibility of excluding them? Should they be placed among the possible exceptions? Should they be entirely excluded from its scope?

The opinions expressed in the replies examined above differ very widely on this point. Only seven Governments are in favour of the inclusion of agricultural workers and, of these, there are only five which propose to include them in the general scheme applicable to other categories of workers. It should be noted moreover that in some countries in which up to now the unemployment insurance schemes applied to agricultural workers, the law has been recently amended so as to exclude them. For these reasons it seems unlikely that a Draft Convention entailing a definite obligation to apply its provisions to agricultural workers would obtain a two-thirds majority at the Conference.

An alternative course would be to include agricultural workers among the categories which may be made the subject of exceptions. Such a solution might perhaps be accepted by the Conference, but the result would almost certainly be the exclusion of agricultural workers from unemployment insurance and assistance legislation in a number of countries. It must not be forgotten that the First Session of the Conference adopted a Recommendation inviting all the States Members to establish an effective system of unemployment insurance ; further, another Recommendation, concerning the prevention of unemployment in agriculture, adopted by the Third Session, states in its preamble that the Draft Convention and Recommendation concerning unemployment adopted at Washington are in principle applicable to agricultural workers. If a Draft Convention were now to be adopted applying in principle to agricultural workers, but allowing the exclusion of them from the scope of the relevant legislation in force, the situation would be scarcely changed from what it was before.

It seems therefore that for the moment it would be preferable not to include agricultural workers in the scope of the Draft Convention and to leave the question entirely open as far as they are concerned, with a view to the adoption, at a later stage, of a Draft Convention specially applicable to them.

Exceptions to be Authorised (Question 6)

The object of Question 6 was to decide for what categories of wage earners and salaried employees exceptions might be authorised, by enumerating a list of cases upon which the Governments were requested to express their opinion. The attitude adopted as regards each category thus indicated in

the Questionnaire by those States which have replied is briefly examined below.

It should first be stated that Austria, Norway, Spain and Yugoslavia seem to agree to all the exceptions mentioned, as well, apparently, as the Union of South Africa, which wishes the decision on this point to be left in the hands of individual States.

(a) *Domestic workers.* — Chile, the Canadian Province of Manitoba, Denmark and Finland are more or less definitely opposed to the granting of this exception. On the other hand, it is admitted by Great Britain, Italy, Netherlands, Poland and Switzerland.

(b) *Home workers.* — Apart from Chile, which is opposed to it, the Canadian Province of Manitoba, Denmark, Finland, Great Britain, Italy, Netherlands, Poland, Sweden and Switzerland, that is to say, almost every one of the Governments which have expressed a definite opinion, are in favour of allowing this exception. It should be noted that Switzerland proposes to suggest to the States in the Recommendation that these workers should be taken into consideration.

(c) *Workers engaged in employment of a relatively permanent character.* — The Canadian Province of Manitoba, Chile and Denmark are against exclusion. Finland, Great Britain, Italy, Netherlands, Poland and Switzerland on the other hand desire the possibility of an exception to be allowed. Some of these Governments, however, give certain explanations. Finland agrees that these workers should not be covered in so far as they are not subject to the risk of unemployment ; Great Britain, in so far as the relatively permanent employment is under Government or a public utility company or carries statutory superannuation rights. Switzerland considers that the expression used in the Questionnaire goes too far and is of opinion that the exceptions should apply only to workers engaged in permanent situations by public departments or workers in undertakings working under concession.

(d) *Non-manual workers whose earnings exceed a certain sum.* — Poland replies in the negative ; it suggests that in the event of a limit of earnings being included in the Draft Convention, then in countries where national laws and regulations do not provide for such an exception, the exclusion should be authorised of intellectual workers engaged in occupations which are generally regarded as liberal professions. Bulgaria, Chile, Denmark, Finland, Great Britain, Italy, Netherlands and Switzerland are in favour of allowing an exception. Chile suggests, however, that wage earners whose wages or earnings exceed a limit to be fixed by national

legislation should be subject to the insurance scheme only up to that limit; Denmark agrees to the exception only if the circumstances either of the occupation or the category of workers (for example, foremen or technical employees) justify this course; while Finland considers that the wage limit should apply to all employed persons.

(e) and (f) *Workers whose employment is of a seasonal character or a casual nature.* — These two exceptions are agreed to by the Canadian Province of Manitoba, Italy, Netherlands, Poland and Switzerland, the last-named Government explaining, as regards seasonal workers, that the exception should apply to workers who are engaged in an occupation for less than six months. It should be added that other States, while declining to agree to their inclusion, make reservations which render their replies less absolute. Thus Finland is not opposed to the inclusion of workers in both categories if they pay adequate contributions; their unemployment can be verified and a suitable scheme can be framed for them. Denmark points out that its legislation does not exclude seasonal workers, but considers that when the insurance system is being put into operation it will doubtless be necessary to take account of the special conditions applying to this class of workers. Great Britain is of opinion that a seasonal worker whose season is relatively short should be exempted from the insurance scheme, that is to say, exempted from the employed person's contribution, on his application and on proof that he is not ordinarily employed in other insurable employment. For casual workers, Denmark states that in view of the special character of their employment provision should be made for special rules regarding the payment of benefit; and Great Britain would agree to the exception only if the casual employment is not for the purposes of trade or business.

(g) *Workers who have not yet reached a certain age.* — Bulgaria, Denmark, Finland, Great Britain, Italy, Netherlands, Poland, Sweden and Switzerland are in favour of this exception. Only a few of them propose a figure: eighteen years (Denmark), sixteen years (Finland), not less than sixteen, or preferably eighteen years (Switzerland).

(h) *Workers who exceed a certain age.* — Nine Governments have replied in the affirmative: Chile, Denmark, Finland, Great Britain, Italy, Netherlands, Poland, Sweden and Switzerland. Chile and Switzerland propose as a limit sixty-five years and Denmark and Finland sixty years. Great Britain observes that the employers should continue to pay their share of the contributions.

(i) *Apprentices.* — Chile does not agree to their exclusion; Finland is opposed to it, provided a suitable scheme can be

devised for them ; so is Great Britain, except when there is no money payment ; and Italy is not in favour of the exception of paid apprentices. Bulgariá, Netherlands, Poland and Switzerland agree to the exception, the last-named Government stating, however, that the States should be left free to regulate by their legislation the extent to which this category of persons is to be taken into consideration.

(j) *Student employees.* — Chile, Finland and Great Britain are opposed to this exception, as to the last one, with the same reservations for the two last-named countries. Italy is also opposed if the student employees are paid. Canada (Province of Manitoba), Netherlands, Poland and Switzerland are in favour of the exception.

Other categories proposed. — Two Governments have proposed to allow other exceptions. Sweden mentions persons employed for a considerable period by a near relative and Poland contemplates the following cases : workers engaged in undertakings employing at most five persons ; persons whose wage-earning employment is only subsidiary ; members of the employer's family ; persons employed for remuneration while still engaged in studies ; and persons who have a statutory or similarly guaranteed right to benefits equivalent to those provided for by the Convention.

To summarise the results of this analysis, the attitude adopted on the question of exceptions by the majority of the Governments which have given a definite answer in respect of all or some of the categories enumerated in Question 6 clearly leads to the conclusion that a provision on this point should be inserted in the Draft Convention. This provision would in the first place allow exceptions to be made by national legislation in respect of all the categories mentioned in the Questionnaire, except apprentices and student employees, of which exceptions few Governments are in favour. It would however appear to be necessary, as is suggested in certain replies, to go into more detail on some points. Thus, for employment of a relatively permanent character, it should be specified, as the British and Swiss Governments propose, that this refers to employment under the central Government, the local public authorities or a public utility company. For seasonal workers, account should be taken of the same Governments' suggestion by stating that the exception is allowed when the season is normally less than six months and when the persons concerned are not ordinarily employed for the rest of the year in another employment covered by the Convention. In view of the replies it seems impossible to fix a definite minimum or maximum age, nor a limit of earnings above which non-manual workers might be excluded. But

as regards the question of maximum age, it might be indicated in the Recommendation that wage earners and salaried employees should be covered by the benefit system up to the age at which they are entitled to a retiring pension. In addition, as regards the limit of earnings, the Recommendation might provide that when such a limit is imposed, it should be fixed at a level high enough to ensure that the persons affected would be able to make provision against unemployment out of their own resources.

As regards the other cases which some Governments have proposed to add to the list of authorised exceptions, the Draft Convention could no doubt, without arousing opposition, mention specially the members of the employer's family, which is an exception already allowed in several insurance Conventions and is provided for in the legislation of many countries. For the remainder, it would perhaps be enough to adopt a general formula permitting the exclusion of other exceptional cases in which the character of the employment has such special features that the categories concerned could not be brought under the provisions of the Convention without special adaptation.

It may be added that it would be desirable, in the Recommendation, to make the suggestion that unemployment insurance and assistance should be applied as far as possible to all wage earners and salaried employees and that the exceptions considered indispensable should be reduced to a minimum.

Specification of Exceptions in the Convention (Question 7)

After consulting the Governments on the categories of wage earners and salaried employees for whom exceptions might be allowed, the Questionnaire requested them, in Question 7, to state whether these exceptions should be specified in the Draft Convention itself or whether it should be left to national laws and regulations to determine them. On this point opinions are somewhat divided.

Bulgaria, the Canadian Province of Manitoba, Chile, Great Britain, Poland and Switzerland appear to favour the first course and state the exceptions for which definite provision should be made.

Other States, while answering to the same effect, nevertheless make certain reservations. Austria, for example, considers that national legislation should decide in each case the particular exceptions to be made. Italy proposes that it should be left to national legislation to settle the exact scope of the exceptions in accordance with indications to be given in the Recommendation. Sweden proposes to specify, at least in outline, the categories of workers for whom exceptions

may be allowed. Yugoslavia would leave national legislation free to fix certain details of application (wage limit, etc.).

Other Governments which have replied to this question consider that national legislation should be left free to determine what exceptions should be allowed. The extent of the latitude to be given differs in different replies; Hungary and the Union of South Africa propose to leave the question of exceptions to the decision of each State, Belgium proposes to provide only for the principle of exceptions in the Convention, and other States propose to leave the choice to be made by national legislation among the categories enumerated (Finland, Netherlands, Norway, Spain).

In these circumstances it does not appear that the Draft Convention can lay down definitely that such and such exceptions shall be made. The majority of the replies are in fact in favour of leaving some freedom of judgment on this point to each State. As, however, in order to ensure positive protection for the unemployed, it would be impossible to admit the principle of exceptions without limiting its application to some extent, it has been thought best to adopt a solution which, as has been seen, has been suggested by several States, and to allow national legislation to decide for itself the exceptions which are considered necessary from among the categories of workers which would be enumerated in the text, following the indications which have been deduced above from the Governments' replies.

Provisions to be Inserted in the Recommendation (Questions 8 and 9)

To complete the question of scope, it remains to consider the attitude adopted by the Governments towards Questions 8 and 9, which dealt more particularly with the complementary Recommendation.

Six of the Governments which have replied to the first of these two questions are opposed to the inclusion in a benefit scheme as soon as possible of all or some of the categories of workers for whom exceptions are allowed by the Draft Convention. They are: Austria, Bulgaria, Chile, Great Britain, Hungary and the Netherlands.

On the other hand, eleven Governments have answered in the affirmative. It is true that in some cases their replies are more or less of a formal character and contain reservations or restrictions. Thus Belgium suggests that provision might perhaps be made for an examination of the question of establishing a special benefit scheme for home workers and seasonal workers. Denmark thinks that the Convention must stipulate as a condition of admission to an insurance scheme a certain minimum and maximum age. In the opinion

of Spain, the Recommendation should include a statement that it is desirable that these categories of workers should not be permanently excluded from the insurance or assistance scheme. Italy considers that there should be no question of all the excepted categories, but only of those to which the difficulty of applying an insurance scheme appears less serious, such as domestic workers, home workers and certain agricultural workers engaged on work of an industrial character. Sweden agrees with the proposal if the insurance is not supplemented by cash relief. Switzerland considers that only certain categories should be covered, as, for example, home workers. Norway agrees only as far as domestic workers are concerned.

It seems then on this point that a suggestion could only be made in a general form, as has been seen in connection with Question 6, that benefit schemes should apply as soon as possible to all wage earners and salaried employees. It will be seen later, in connection with Question 16, that this point would to a certain extent be covered by another provision of the Recommendation relating to special arrangements to be made for the insurance of classes of workers whom it would be difficult to include in the general scheme.

As regards the question of urging Governments in the Recommendation to study the possibility of including in a benefit scheme certain classes of persons working on their own account (Question 9), seven Governments: Austria, Belgium, Bulgaria, the Canadian Province of Manitoba, Chile, Hungary and Switzerland, are opposed to any provision on this point. On the other hand eleven Governments (Denmark, Finland, Great Britain, Italy, Netherlands, Norway, Poland, Spain, Sweden, the Union of South Africa and Yugoslavia) are more or less in favour of such a provision. The classes of worker which they suggest, where the reply contains a definite indication, are, however, somewhat varied: persons entrusted by the principal with the supervision or management of undertakings, but not independent traders working on their own account (Denmark); artists (Netherlands); persons working on their own account whose economic situation is similar to that of wage earners and salaried employees (Poland).

Here again, there can be no question of a provision going into too much detail and it would be better to limit it to a general form of words, perhaps emphasising the idea which is the basis of the Polish answer, that the reference is to persons working on their own account whose economic situation is relatively insecure.

IV. — Benefit Conditions

QUESTIONS 10 TO 20 : REPLIES ON PAGES 47 TO 75

The object of this part of the Questionnaire was to decide the various conditions and circumstances to which, in the opinion of the Governments, the right of involuntarily unemployed persons to benefit should be subject.

Qualifying Period (Question 10)

The first question asked dealt with the completion of a qualifying period. The first paragraph raised the question of the principle of a qualifying period and distinguished two cases : a qualifying period in an occupation covered by the scheme as a condition of admission to the scheme, and a qualifying period within the benefit scheme as a condition of receiving benefit. In the second paragraph Governments were asked, if they agreed with the principle, to state whether the maximum length of the qualifying period should be specified in the Draft Convention and what maximum should be fixed.

Except Hungary, which considers that the right to benefit should be dependent only on the circumstances of the unemployed person, all the Governments which have answered the question are in favour of the completion of a qualifying period.

But their proposals differ on the point whether the qualifying period should be only within the benefit scheme or whether a qualifying period within an occupation covered by the scheme should also be admitted. The first condition is approved by seven countries : Finland, Great Britain (which desires that there should be freedom to impose a requalifying period of employment after maximum insurance benefit has been drawn), Italy, Norway, Poland, the Union of South Africa and Yugoslavia. The last-named country, while considering a qualifying period in the benefit scheme enough, would admit a qualifying period in an occupation in the case of the assistance scheme. All the other States have replied in the affirmative for both the cases in question..

On the fixing of a maximum length for the qualifying period the replies show great divergence. Great Britain, Netherlands, Norway, Spain and Sweden consider that this length should be specified in the Convention. But the figures which these countries propose differ considerably : for the qualifying period within the benefit scheme, thirty weekly contributions during two years (Great Britain), twenty-six weekly contributions during two years (Norway), six months (Spain), one year (Netherlands), or one year if the insured person has not yet drawn any benefit and six months otherwise (Sweden); for the qualifying period in an occupation, one year

(Spain and Netherlands). It should be added that Switzerland, while opposed to the fixing of a maximum, states that if the Conference decides on this course, it would be disposed to suggest one year in both cases.

On the other hand, Belgium seems to consider that the Convention should lay down the minimum duration of the qualifying period within the benefit scheme and that the Recommendation should lay down the maximum length for the qualifying period within an occupation, and proposes one year for both cases.

Austria proposes that the length of the qualifying period should not be laid down in the Convention. It contemplates, however, a minimum qualifying period and considers that it would be enough for the Recommendation to suggest fifty-two weeks in insurable employment preceding the first claim to benefit and twenty-six weeks since the previous claim in the case of subsequent claims.

All the other countries which have answered the question (Canada (Manitoba), Chile, Denmark, Finland, Italy, Poland, Union of South Africa and Yugoslavia) consider that the length of the qualifying period should be dealt with by national legislation. In some cases they make restrictions to this principle. Denmark, for example, considers that the length of the qualifying period within the benefit scheme should not in any case exceed one year. Italy is of the same opinion and adds that this maximum of one year could be suggested in the Recommendation.

To summarise this rapid analysis, almost all the States which have answered the question agree that it should be possible to make the right to benefit subject to the completion of a qualifying period. It is therefore proposed that a provision to this effect should be included in the Draft Convention. As regards the nature of the qualifying period, it has been seen that opinions are divided and the best course would appear to be to leave to national legislation the choice between employment in an occupation covered by the Convention and the payment of a given number of contributions during a fixed period before the claim to benefit. Finally, as regards the maximum length of the qualifying period, it seems impossible in view of the replies to propose any definite provision upon the point. All that could be done would be to suggest in the Recommendation that the length should not exceed a given number of weeks of employment in an occupation covered by the Convention or the payment of contributions over a certain period preceding the claim to benefit.

Proof of Unemployment (Question 11)

Here the Governments were consulted as to whether (a) it was necessary in principle for the Draft Convention to include

provisions as to proof of the beginning and of the continuance of the unemployment; and (b), if so, whether it should lay down the means by which such proof should be furnished, by registration at a public employment office and regular attendance at such an office, or by any other procedure considered desirable.

(a) Apart from two States, Hungary and the Netherlands, which wish to leave the settlement of the question, the former to national legislation and the latter to administrative practice, all the Governments which have replied are agreed on the principle that proof should be furnished.

(b) As regards the method of proof, with the exception of Denmark, which wishes this to be mentioned in the Recommendation, and Poland and the Union of South Africa, which prefer to leave the matter to be settled entirely by national legislation, all the replies seem to agree to registration at a public employment office or other approved office and regular attendance at that office. Great Britain makes a slight reservation for the case in which the unemployed person lives at a distance from the office and suggests that certain relaxations might be allowed.

Finally, several Governments propose to allow other methods of proof. Belgium mentions certification of the commencement of unemployment by the employer and the verification of its continuance by a check every two days. Great Britain also suggests certification by the employer where large numbers from one factory are unemployed. Italy refers to such checks prescribed by national legislation as may be expedient, and Switzerland considers that the methods of proof indicated in the question should not be regarded as exhaustive but that it should also be admissible to produce a statement from the last employer showing the cause of the termination of the contract of employment or evidence that the unemployed person has himself taken steps to obtain employment.

The conclusion to be drawn from the answers to this question on the proof of unemployment is clear. In the opinion of the great majority, the Draft Convention should contain provisions on the subject, and it should definitely lay down as the method of proof registration at a public employment office or other office approved by the competent authority and regular attendance, as a general rule, at the said office. As regards the last point, however, to meet the case, mentioned by Great Britain, of an unemployed person living at a distance from the employment office and other similar cases which might arise, national legislation might be allowed, if necessary, to provide for such exceptions and conditions as it

considers desirable. Finally, in order to take into account the wishes of those Governments which have suggested other means of proof, the Convention might perhaps allow, in a general form of words, any other requirements which may be prescribed to ensure that unemployed persons fulfil the conditions for the receipt of benefit or an allowance.

Capacity for Work and Availability for Work (Question 12)

The question here was whether the Draft Convention should provide that the right to benefit may be made conditional on proof that the claimant is capable of work and available for work.

All the answers are in the affirmative. Poland, however, proposes that the onus of proof as regards availability for work should not be placed on the unemployed person. Belgium observes that this proof could only be required from the wholly unemployed worker, since, in the case of the intermittently unemployed worker, the contract of service has not been terminated. Denmark considers that the two proofs proposed should be required only when circumstances render it necessary. Italy, while agreeing that proof of capacity for work should be required, proposes that the Recommendation should suggest that the right to benefit should be maintained when a worker who is unfit for work is not in receipt of benefit in respect of his unfitness.

A provision laying down the conditions of capacity for work and availability for work should therefore undoubtedly be included in the Draft Convention.

Inability to Find Suitable Employment (Question 13)

The question asked dealt with three points: (a) should the payment of benefit be made conditional on the claimant's inability to find suitable employment; (b) should the Draft Convention define "suitable employment" and for that purpose should regard be had to various circumstances enumerated in the Questionnaire; (c) should it allow for varying the definition in accordance with the length of the claimant's unemployment.

(a) All the Governments which have expressed an opinion are unanimously agreed on the first point. A feature common to the replies of Denmark, Hungary and Sweden is that the condition proposed should be made more definite: instead of referring to the impossibility of finding suitable employment, these replies suggest that only those claimants should be refused benefit who have declined without reason to accept employment which can be considered suitable.

Instead of the unemployed person being required to furnish proof, which might sometimes be difficult to provide, all that would have to be established would be the simple fact of his refusal of work. This is moreover the form adopted in the legislation of several countries. It seems therefore that it might be adopted.

(b) Opinions are considerably divided upon the definition of "suitable employment". Three Governments are opposed to the principle of inserting such a definition in the Draft Convention; Italy would prefer to see it in the Recommendation, while Belgium and the Union of South Africa suggest that national legislation should be left entirely free on this point. Other countries propose that the general lines or principles should be laid down either in the Convention or in the Recommendation and that the details should be left to national legislation (Switzerland), to the competent authorities (Denmark), or to the administrations (Netherlands). Two countries, Great Britain and Norway, propose an alternative course; instead of a definition of suitable employment, which it would be difficult to make sufficiently comprehensive, they suggest that a negative form should be given to the provision and that it should be stated that certain forms of employment are not to be considered as suitable. In addition, Spain seems also to feel that it would be difficult to make the definition flexible enough and, while agreeing that it should be inserted in the text, recommends that a wide interpretation should be given to the phrase "suitable employment", the precise meaning to be attached to it being determined by each country in the light of its own conditions. Austria is similarly of opinion that the definition should leave sufficient freedom to national legislation. Finally, Finland, Manitoba and Sweden agree that a definition should be given in the text, but without having regard to all the circumstances of which the text takes account, and Bulgaria, Chile, Poland and Yugoslavia reply in the affirmative to Question 13.

From among the various circumstances of which account might be taken in deciding what should or should not be regarded as "suitable employment", some Governments have stated those which might be retained (Denmark, Great Britain, Finland, Manitoba, Norway, Poland, Sweden and Switzerland). Those which are most frequently approved are: employment in a different district, employment in which the conditions are inferior to those current in the district in which the employment is offered, employment in an undertaking where a strike or lock-out is in progress, employment the acceptance of which by an unemployed worker might

prejudice him in the future practice of his occupation or might be injurious to his health or morals.

(c) On the last point of Question 13 opinions are divided. Austria, Bulgaria, the Canadian Province of Manitoba, Finland, Norway and Yugoslavia are in favour of allowing a variation of the definition in accordance with the length of the unemployment. Belgium, Great Britain, Italy, Netherlands, Poland, Sweden and Switzerland are opposed to this suggestion.

From this analysis it may be concluded in the first place that all the Governments agree that the text should provide that the right to benefit may be made conditional on the acceptance by the unemployed person of any suitable employment offered to him. As regards the definition of "suitable employment", there seems to be agreement on the proposal that the Draft Convention should enumerate a certain number of circumstances in which an offered employment should not be considered as suitable. These circumstances, according to the opinion of the majority, might, it seems, be the following: (1) employment the acceptance of which might prejudice the claimant in the future practice of his occupation; (2) employment in another district (here it might be desirable to give expression to the idea which no doubt underlay the question, by specifying that the employment should not be considered suitable if it involves residence in a district in which suitable accommodation is not available); (3) employment in respect of which the wage rates and other conditions are less favourable than those current in the occupation and district in which it is offered; (4) employment in a position vacant owing to a stoppage of work due to a trade dispute.

It should be added that in order to complete the provision and to guide national legislation when it has to decide whether employment in another occupation can be considered suitable, it would perhaps be desirable to state in the Recommendation that certain factors should be taken into account: the length of the claimant's service in his previous occupation, his chances of obtaining work in it, his vocational training and his suitability for the new work offered.

Compulsory Attendance at Courses or Obligation to Undertake Work (Question 14)

The Questionnaire here dealt with the point whether the Draft Convention should allow for the right to benefit being made conditional on the two following conditions: (a) compulsory attendance at a course of vocational or other instruction and (b) compliance with an obligation to undertake work.

Only two Governments seem opposed, partially at least, to the proposal: Sweden, which replies in the negative as regards

insurance only, and Denmark, which declines to make the right to benefit conditional on attendance at such courses, but suggests that an attempt should be made to enable unemployed persons to attend such courses with the help of the insurance scheme through the grant of subventions.

Without offering an opinion on the two conditions proposed, two other countries, Spain and the Union of South Africa, would prefer to reserve them for the complementary Recommendation.

All the other answers seem to agree with the two points mentioned. Some propose to leave complete freedom to national legislation on both points (Austria, Finland, Yugoslavia). Others make the following observations or reservations.

As regards attendance at courses, Great Britain states that the obligation should be imposed only for courses of instruction or training, if such are available, and the Canadian Province of Manitoba restricts the obligation to the case when the instruction can be shown to be of benefit to the unemployed.

As regards compliance with an obligation to undertake work, a number of Governments state that the work must either be in suitable employment (Chile), or be on public works either organised by the public authorities (Belgium, Italy, Poland), or be assigned in accordance with rules laid down or approved by the public authorities (Switzerland). It seems therefore that the intention of these Governments (one of them, Poland, has so stated) is that this should apply only to relief works in connection with a scheme of assistance to the unemployed. Great Britain is opposed to any obligation to work other than that already covered by the obligation to accept suitable employment or the obligation to attend a course of vocational instruction.

To sum up, the replies to this question, in the large majority, make it possible to consider the insertion of the two conditions in the Draft Convention. In accordance with the suggestions made, the first of them (attendance at a course of vocational or other instruction) may be imposed both for insurance and assistance, and the right to assistance allowances may be made conditional upon the acceptance of employment on public relief works organised by a public authority.

Further, the Recommendation might provide that the obligation to attend courses of instruction should be imposed only if the unemployed workers can derive some advantage therefrom either as regards their morale or as regards their technical or general knowledge. As for the obligation to accept employment on relief works, the Recommendation should provide that account should be taken of the worker's age, health and former occupation and of his fitness to perform the work in question.

Waiting Period (Question 15)

The condition proposed here was that of a waiting period. The question dealt with two points : (a) should it be permissible to make the right to benefit of wholly unemployed persons conditional on the completion of a waiting period and, if so, should the maximum length of the period be specified in the Convention ; (b) should it be provided that the waiting period should be applied in such a way as to enable workers on short time to claim benefit.

(a) On the principle of a waiting period, with the exception of Bulgaria, which replies in the negative, and Hungary, which suggests that the question should be left to the discretion of national legislation, all the replies agree that such a condition should be admitted. On the other hand, the majority of the Governments reply in the negative to the proposal to fix a maximum length for the period in the Convention. Only five countries make a definite proposal on this subject : Chile and Great Britain, one week ; Norway, six days ; Sweden, three months, as an absolute maximum for special cases ; Switzerland, thirty days. Spain refers, without any further precision, to the minimum period strictly necessary to secure proof of the continuance of the unemployment and to facilitate the administration of the insurance scheme. All the other Governments, constituting a considerable majority, consider that national legislation should be allowed complete freedom on this point, with the exception of Italy, which desires the Recommendation to suggest a maximum of eight days.

On this first point it seems therefore that although the principle of a waiting period is almost unanimously accepted, it would be difficult to lay down a maximum length for the period in the Convention. However, following the Italian Government's suggestion and having regard to the legislation of various countries, it might perhaps be proposed that the Recommendation should suggest that the waiting period should not exceed eight days.

(b) On the question of applying the waiting period so as to enable workers on short time to claim benefit, very few countries are opposed to the inclusion of a provision on this point in the Convention. The Canadian Province of Manitoba replies in the negative, Hungary wishes the point to be left to national legislation, Poland proposes that this point, with the whole question of short-time workers, should be dealt with in the Recommendation, and Switzerland thinks it unnecessary to insert a provision on the subject, since short time would also be taken into consideration under the definition of unemployment which it proposed in its reply to Question 3. All the other States agree that it should be possible to grant benefit to workers on short time. Among

the replies attention may be drawn to the British Government's proposal to assimilate for the purpose of payment of benefit a series of short spells of unemployment to continuous unemployment. This idea might be adopted and, taking the great majority of answers as a basis, it would seem possible to propose a provision more or less on these lines as suggested in paragraph (b) of Question 15.

It should also be remembered, as was seen in connection with Question 3 (page 114) that the Recommendation could go further by providing that any worker whose remuneration is reduced by at least one-third should be entitled to benefit.

Special Benefit Conditions for Certain Categories (Question 16)

The Governments were asked to state whether special benefit conditions should be provided, and if so what conditions, for workers in seasonal trades, casual workers, workers on short time and other classes of workers, such as persons in receipt of pensions and others to be specified.

Few Governments have replied in the affirmative to this question and only some of them have made definite proposals. These proposals, moreover, refer rather to the method of paying benefit, the rate and the period of payment, than to the conditions to which they should be subjected (Chile), or they propose to exclude entirely from the right to benefit some of the categories named (Austria). In fact, there are only two countries which make definite suggestions: Denmark and Great Britain. Denmark refers to the provisions of its legislation, under which benefit is not paid to seasonal workers during the seasons when unemployment occurs normally; for casual workers it suggests special rules limiting the payment of benefit to cases in which sufficient information is given regarding their periods of unemployment and their income during periods of employment; for short-time workers, the Danish Act allows benefit only when the number of hours of work is reduced by more than a third, and then at a rate proportionate to the reduction and so arranged that it is substantially more profitable for the claimant to work than to draw benefit. Great Britain proposes that seasonal workers should be excluded from benefit only in the off-season, unless they have in recent years worked in insurable employment in the off-season to a substantial extent and can expect to do so again; as regards casual workers and workers on short time it considers that, if practicable, steps should be taken to prevent undue advantage being taken of conditions of the scheme intended primarily to deal with the circumstances of persons wholly unemployed; it proposes, moreover, to debar from insurance persons who work only one or two days a week in respect of the four or

five days on which they do not normally work ; and finally, it desires to exclude married women in certain special cases and under certain conditions. Apart from these countries, which have stated their proposals, other Governments, while in favour of discriminating in the cases proposed, have merely asked that these cases should be excluded from the general scheme and be specially treated (Canada (Manitoba) or that it should be provided that these special conditions might consist in a reduction of the amount and duration of the benefits (Spain), or again, in the first three cases mentioned, that account should be taken of seasons and earnings (Netherlands).

All the other Governments which have expressed an opinion have replied in the negative, not upon the actual principle, of which they seem to be in favour, as a whole, but on the necessity or desirability of providing for special conditions for the categories enumerated in the Draft Convention. Norway considers that it would be unnecessary to provide for special conditions if the insurance scheme is based on the principle that benefits shall be proportionate to contributions paid. The other States belonging to this group consider that full freedom should be left to national legislation and Poland proposes, as regards benefit conditions for workers on short time, that this point should be treated, like all questions relating to short time, in the Recommendation.

The result of this analysis is that the large majority of Governments, while not opposed in principle to providing for special benefit conditions for the cases covered by the question, do not wish these conditions to be laid down in the Convention itself and consider that national legislation should be allowed to determine them.

In these circumstances it would seem that while national legislation should be left free to impose special benefit conditions in certain cases, it would not be possible to include detailed provisions on the subject in the Draft Convention. It might however be suggested in the Recommendation, as was done in connection with Question 8 (see page 123), that if circumstances make it difficult to apply the general provisions relating to unemployment insurance to a particular class of workers, special arrangements should be made for the insurance of such workers.

Disqualification for the Receipt of Benefit (Question 17)

The object of Question 17 was to decide whether the Draft Convention should allow for the disqualification of claimants for the receipt of benefits in certain given circumstances. It referred especially to two cases: (a) the case of unemployment which is the result of a strike or lock-out ; (b) the case of workers who are in receipt of benefit from

a social insurance fund ; and in (c) it asked Governments to mention any other cases which they might have in mind.

Only one country, Hungary, is opposed to the insertion in the text of any definite provision and proposes to leave national legislation completely free in this respect. All the other Governments which have answered the question have expressed themselves in favour of both cases mentioned and some of them have in addition suggested that other cases should be covered.

(a) *Strike or lock-out.* — Four Governments qualify their approval on this point by a reservation. Belgium would leave it to national legislation to provide for exceptions from the principle according to the circumstances in which the stoppage of work has arisen. Great Britain approves of disqualification if the strike or lock-out is at the premises where the person concerned is employed, but is not in favour if at those premises no member of the same grade or class as the claimant is participating in, or financing, or directly interested in the dispute. Poland desires to cover the case of strikes but not of lock-outs ; and Sweden states that the disqualification should be limited to the period of the dispute.

Apart from the four countries just mentioned, all the answers agree with paragraph (a) of the question. Provision should therefore be made for this case of disqualification in the Draft Convention.

(b) *Workers in receipt of benefit from a social insurance fund.* — Only a few Governments agree without reservation with this paragraph (Austria, Belgium, Bulgaria, Italy, Spain, Yugoslavia). Others seem fearful of a too strict interpretation, and either restrict the possibility to certain cases, or provide that the disqualification should be only temporary or else propose a reduction in the rate of benefit. Thus Denmark takes into account only the case when the unemployment is due to sickness or incapacity for work and limits the disqualification to the period of sickness or incapacity ; Finland emphasises the point that disqualification should be enforced only for the period during which the person concerned is in receipt of benefit from a social insurance fund ; Poland mentions only benefits for incapacity to work and old-age pensions ; Sweden restricts the disqualification to the case where the unemployed person is in receipt of unemployment benefit from some other social insurance institution and only to the extent of such benefit ; and Switzerland contemplates both disqualification of the claimant or the reduction of benefit. One other Government, Norway, proposes to leave these cases to be decided by national legislation.

The other answers seem more or less opposed to the provision suggested. Great Britain observes that if a national

scheme such as health insurance is meant, the conditions of that scheme should be such as to render it impossible for a person receiving benefit under it to qualify for unemployment benefit, since he would not be capable of work. It adds that if the unemployment funds of trade unions or friendly societies are meant, it could not agree to the proposed disqualification, provided of course that the ground on which the union or society benefit is received, e.g. sickness, is not such as to be itself a disqualification for unemployment benefit. The Canadian Province of Manitoba merely proposes that the combined benefits drawn as compulsory unemployment insurance and as any other social insurance should not in any case exceed 75 per cent. of the unemployed person's normal income. The Netherlands point out that in their legislation the receipt of accident or invalidity benefit does not disqualify for unemployment benefit, but that the unemployment payment is proportionate to the beneficiary's capacity for work.

The conclusion to be drawn from the variety of views expressed, from the negative character of several answers and from the reticence of most of the Governments which reply in the affirmative, is that it would be impossible to propose that the Draft Convention should cover this case of disqualification. It may further be observed that this point would be partly covered by other provisions of the Convention, for if the unemployed person is in receipt of sickness or accident insurance benefit, this would imply that he is neither capable of nor available for work, and provision has been made above for those conditions (see page 127).

(c) *Other cases.* — Several Governments (Denmark, Finland, Great Britain, Manitoba, Netherlands, Poland, Sweden, Switzerland and Yugoslavia) are in favour of admitting other grounds for disqualification. They make definite proposals, except the Union of South Africa, which moreover desires these cases to be mentioned in the Recommendation.

Since these proposals are very varied, it seems unnecessary to enumerate them here country by country. Attention need only be drawn to those cases which have the most support. They are: the case in which the person concerned is unemployed through his own fault, through misconduct, through insubordination, etc. (Denmark, Finland, Great Britain, Netherlands, Sweden), or in which he has voluntarily left his employment (Denmark, Great Britain, Manitoba, Netherlands, Sweden); abuses, obtaining benefit fraudulently, conduct infringing the rules or detrimental to the interests of the unemployment fund (Netherlands, Poland, Switzerland and Yugoslavia); failing to take the necessary steps to find work, refusal to comply with the registration formalities

at an employment exchange or failure to respond to an offer of employment made by the exchange (Netherlands, Switzerland); the case in which the contract of employment provides for an indemnity or compensation if it is terminated (Poland, Switzerland); and residence abroad (Great Britain, Netherlands and Switzerland). Among other cases suggested are: continued maintenance in a workhouse, etc., at the public expense (Finland, Great Britain); imprisonment (Denmark, Netherlands) and military service (Netherlands, Poland). It seems that these cases are already covered by other provisions, such as those dealing with fitness and availability for work, or else it is a question of adaptation required by special circumstances in certain countries and in that case the point would be covered by the general Article to which reference is made in connection with the question which follows.

From this summary of the suggestions made it appears that a provision might be inserted in the Draft Convention dealing with the cases in which a claimant may be disqualified from the right to benefits or allowances over a given period. This provision would first mention, as has been stated above (see page 112), the refusal by the claimant to accept suitable employment, stating in what circumstances an employment should not be deemed suitable. It would then deal with the case in which a claimant has lost his employment directly owing to a stoppage of work due to a trade dispute, the case in which he has lost it through his own fault or has voluntarily left it without reasonable cause, the case in which he has endeavoured fraudulently to obtain benefit or an allowance, and, finally, the case in which he has not complied with the instructions of a public employment exchange or any other competent authority with regard to seeking work. In addition, in accordance with the British proposal mentioned above in connection with the definition of unemployment (see page 112), the Draft Convention might cover the case in which, on the termination of his employment, the claimant has received from his employer, under his contract, compensation virtually equivalent to the loss of wages which he has sustained.

Finally, to define the meaning of disqualification caused by stoppage of work due to a trade dispute, the Recommendation might adopt the British suggestion and state that this disqualification should be limited to cases in which the claimant is directly concerned in the dispute and that it should in any case be terminated at the same time as the dispute.

Other Benefit Conditions (Question 18)

In this question the Governments were asked to state whether they considered that provision should be made

for any benefit conditions other than those mentioned in the preceding questions.

Four Governments have made a proposal on this point : Denmark, which proposes that national legislation should be allowed to require as a condition a minimum of employment during the period preceding the payment of benefit, except in periods of severe unemployment ; Norway, which asks that the benefits should be proportioned to the number of contributions paid by the workers ; Sweden, which points out that the right to benefit should of course be made dependent on the unemployed person's having fulfilled his liabilities in respect of the payment of contributions ; and Switzerland, which would require the unemployed person to be domiciled for a certain time in the locality in which he lodges his claim.

All the other Governments have either given no answer or have replied in the negative. Nevertheless, to meet to some extent the special cases in which circumstances make other conditions necessary, the provisions of the Draft Convention might be so drafted as not entirely to exclude this possibility, but it should then be provided that the Members must state in the annual reports submitted in accordance with Article 408 of the Treaty of Versailles any other conditions for which they may make provision.

Modification of the Benefit Conditions after a Certain Period of Benefit (Question 19)

The question put to the Governments here was whether the Draft Convention should provide for the possibility of modifying any of the benefit conditions mentioned in the preceding questions after a certain period of benefit, and if so, what changes they proposed and when they should be made.

Three Governments answered in the affirmative and made definite proposals. Chile proposes diminishing rates of benefit, the benefit being initially equal to two-thirds of the last wages earned by the insured person, being reduced to half in the second period, and later to a third. Spain suggests that assistance should be substituted for insurance at the end of six months, which should be subdivided into two periods of three months, the first corresponding to normal conditions of unemployment and the second to conditions of abnormal unemployment or depression, during which the benefit paid would not be the same. Yugoslavia proposes that disqualification in case of strike or lock-out should cease after three months' unemployment and disqualification in cases of abuse after six months from the date of the abuse.

Belgium, Finland, the Canadian Province of Manitoba and the Union of South Africa do not seem opposed to the

principle but refrain from making any definite proposal and leave the question to be settled by national legislation.

Poland agrees with the proposal, but as regards insurance benefits only.

Finally, Bulgaria, Denmark, Great Britain, Italy, Netherlands, Norway, Sweden and Switzerland reply in the negative. Denmark, however, contemplates the possibility of modification as regards a minimum of employment during the period preceding the payment of indemnity, and proposes that provision should be made for this in the Convention. Switzerland wishes to allow the possibility of requiring that the unemployed person shall have worked for a given period during the year preceding the benefit claim and of reducing the benefit when the unemployed person has exhausted his right to benefit during several consecutive years.

It will be observed that it would hardly be possible on the basis of these replies for the Office to put forward a proposal for any definite provision on this point in the Draft Convention. It will be seen below, however, that the answers given to Question 24 have led to the proposal that the period during which benefit or allowances are paid should be limited.

Needs Test (Question 20)

The Governments were asked to state : (a) whether the Draft Convention should allow for a test of needs to be imposed on claimants for unemployment benefit ; (b) whether it should provide for applying the test from the beginning of the benefit period or only after a certain period of unemployment and, in the latter case, how long a period.

(a) Three Governments, Bulgaria, the Canadian Province of Manitoba and Yugoslavia, replied in the affirmative on the first point.

Chile and the Union of South Africa accompany their agreement by certain reservations. The first-named country would approve of a needs test only in times of depression or of wide-spread unemployment ; the Union of South Africa considers that a test of needs should be allowed in case it should be required under some schemes, but adds that under the scheme which it has under consideration no test would be required.

Switzerland is not in principle in favour of the proposed test and would allow it only in cases of prolonged unemployment.

Belgium, Finland, Netherlands, Norway, Poland and Sweden reply in the negative as regards insurance and in the affirmative as regards assistance. Spain may also be placed in this group, since it accepts the test, in the event of prolonged unemployment, only in the case of a benefit scheme to which the claimant has not paid contributions, in order

to maintain the distinction between insurance properly so-called and assistance. On the other hand, Great Britain and Italy, which contemplate in their answers the establishment of compulsory insurance, are not in favour of the proposal.

On this point, then, the largest group of Governments proposes that the payment of insurance benefit should not be conditional on the necessitous condition of the claimant, but that in the case of assistance allowances a test of needs might be required.

(b) Five Governments have made proposals: Bulgaria, Chile, Sweden and Yugoslavia are in favour of applying the test of needs from the beginning of the benefit period or the time at which the right to benefit begins, Sweden adding that provision should be made for the possibility of its renewal at any subsequent time; Switzerland, which, as has been said, contemplates only the case of prolonged unemployment, considers that the test should not be imposed before the expiration of an annual benefit period of ninety days.

All the other answers refrain from making any proposal. For those countries which have an insurance system the question is dealt with by the provision mentioned under point (a). For the others it does not seem possible to propose any provision such as that suggested in paragraph (b) of Question 20.

V. — Benefits

QUESTIONS 21 TO 25: REPLIES ON PAGES 77 TO 88

Facilities for Putting the Unemployed Back to Work (Question 21)

This question asked the Governments to state whether in their opinion the Draft Convention should deal with the provision of facilities in the benefit scheme for putting the unemployed back to work and what facilities they Proposed.

The Netherlands are opposed to the principle upon which the question is based.

Austria states that the choice of methods of putting the unemployed back to work should be left to national legislation to settle.

Five Governments (Bulgaria, Chile, the Canadian Province of Manitoba, Denmark and Spain) answer in the affirmative, but do not definitely state for what facilities provision should be made.

Belgium, Great Britain, Finland, Italy, Poland, Sweden and Yugoslavia make definite proposals. Some of these States are not however in favour of binding regulations: Great Britain is opposed to any obligatory provision; Italy

wishes that the principle of providing facilities should be stated but that national legislation should be left to settle the extent and methods of application; Poland suggests that a general provision should be made for facilities to be afforded by a benefit scheme for putting unemployed persons back to work and that certain facilities should be specified by way of illustration, e.g. the payment of travelling expenses to a district where employment may be obtained.

Finally, Norway, Switzerland and the Union of South Africa consider that it would be preferable to deal with the question in the Recommendation and only one of these Governments — Switzerland — gives, by way of example, some of the methods that might be adopted.

The facilities which the proposals cover include vocational training (Belgium, Great Britain, Italy, Sweden); assistance in the cost of removal to a district where new employment can be found (Belgium, Great Britain, Poland, Yugoslavia); financial assistance in the organisation of public works (Belgium, Finland, Italy); and the organisation of free employment-finding services and the provision of tools (Belgium).

It will be seen that the opinions expressed on the question differ considerably. It seems therefore that a suggestion might be made in the Recommendation, in a general form, that part of the money available for the payment of benefits or allowances should be used for the purpose of facilitating the return of the unemployed person to employment and there should be given as examples those facilities most often mentioned in the replies. It might further be provided in the Draft Convention, in connection with the form in which insurance benefits are to be payable (the subject of point 22 in the Questionnaire, discussed below), that supplementary grants to facilitate the re-employment of an insured person may be in kind.

Payment of Benefits in Cash (Question 22)

The point here was to decide whether the Draft Convention should stipulate that benefits are to be paid in cash.

Four Governments (Chile, Great Britain, the Canadian Province of Manitoba and Yugoslavia) answer unreservedly in the affirmative.

Italy considers that the Draft Convention should lay down the principle that unemployment benefit should be paid in cash. Austria, Belgium, Spain and Switzerland only agree to the principle with the proviso that exceptions must be allowed or that it should be made possible to pay at least a part of the benefits in kind.

Norway, Poland and the Union of South Africa agree with the question only so far as insurance benefits are concerned, and the last-named Government adds that provision should be made for exceptions, for example, when educational classes are prescribed.

Bulgaria, Denmark and Sweden desire benefits to be paid both in cash and in kind.

Finland and the Netherlands are opposed to the method suggested.

The deduction from these answers seems to be that a distinction should be drawn between insurance benefits and assistance allowances, and that the first should be paid in cash, while the second might be paid in kind. As was stated in connection with Question 21, the Draft Convention might perhaps further provide, in the case of insurance, that supplementary grants to facilitate the re-employment of an insured person may be in kind.

Possibility of Varying Benefits in accordance with Circumstances (Question 23)

On this point the Questionnaire asked Governments whether the Draft Convention should allow for benefits being varied in accordance with certain circumstances which it enumerated: the rate of contribution by the worker, his occupation, the age and sex of the worker, family charges, household resources, the cost of living in different parts of the country, the rate of wages or salary and the duration of unemployment.

On the principle of allowing for such variation, all the answers seem to be in agreement.

But there is great diversity of opinion upon the circumstances in which this possibility might be allowed. Only four Governments, Austria, Bulgaria, Finland and the Netherlands are prepared to accept all the circumstances enumerated in the question.

On the other hand, the Canadian Province of Manitoba, Chile, Denmark, Great Britain, Italy, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia pronounce in favour of some of the circumstances only and as regards the others either propose that national legislation should be free to decide to a certain extent (Great Britain, Italy) or are opposed to the acceptance of them.

Finally, two countries, Belgium and the Union of South Africa propose that the principle should be laid down without going into any detail.

The following is a brief survey, for each of the circumstances enumerated in the question, of the attitude adopted by those Governments which have explained their views.

Rate of contribution. — The Canadian Province of Manitoba, Chile, Denmark, Italy, Norway, Poland, Spain and Switzerland agree that this point should be taken into consideration. Sweden and Yugoslavia are not in favour of it. Great Britain suggests that the question might be left to national laws to settle, provided the variations are not applied to individual workmen, and Sweden considers that it would be enough to allow for the setting up of special benefit funds for which the rates of contribution should also be variable.

Occupation. — Sweden and Switzerland answer in the affirmative; Denmark and Spain prefer to take into consideration the rate of wages or average income; Great Britain and Italy desire to leave the question to national legislation, the former with the reservation that variations should not be applied to individual workmen; the Canadian Province of Manitoba, Norway, Poland and Yugoslavia reply in the negative.

Age and sex. — Great Britain, Spain and Yugoslavia accept both circumstances. Denmark and Switzerland accept age only. Italy prefers to leave the point entirely to national legislation. Chile, the Canadian Province of Manitoba, Norway, Poland and Sweden answer in the negative, Norway making a reservation for cases in which the rates of contribution are not equal and Sweden again proposing special funds with variable rates of contribution.

Family charges. — Chile, Denmark, Great Britain, Italy, Norway, Poland, Spain, Switzerland and Yugoslavia agree to take this circumstance into consideration. The Canadian Province of Manitoba and Sweden (with the same observation as on the preceding paragraph) are not in favour of it.

Household resources. — This point receives support from the following countries: Denmark (for resources derived from casual employment or from a subsidiary occupation carried on in addition to the normal employment, and for pensions), Norway, Spain, Switzerland and Yugoslavia. Sweden considers that these circumstances would be of some significance as regards assistance in the form of work or cash relief. Great Britain and Poland reject these circumstances as far as insurance is concerned. Italy desires the question to be left to national legislation, while Chile and the Canadian Province of Manitoba reply in the negative.

Cost of living in different parts of the country. — Chile, Denmark, Norway, Spain, Sweden, Switzerland and Yugoslavia reply in the affirmative. Poland agrees only so far as assistance is concerned. Great Britain and Italy propose

to leave the matter to be decided by national legislation, and the Canadian Province of Manitoba replies in the negative.

Rate of wages or salary. — Chile, Denmark, Norway, Spain, Poland and Switzerland agree that this circumstance should be taken into account. Great Britain proposes to leave the question to national legislation; the Canadian Province of Manitoba remarks that the rate of wages or salary should regulate the amount of contribution; Sweden again proposes special funds with variable rates of contribution; and Yugoslavia replies in the negative.

Duration of unemployment. — On this point Chile, Italy, Poland, Sweden, Switzerland and Yugoslavia are in agreement (Italy stating that this circumstance should be taken into account if necessary). Spain would prefer to alter the actual character of the benefits, i.e. transference to the assistance scheme after a certain period. Denmark, Great Britain and Norway answer in the negative.

To sum up, the replies as a whole are, as has been said, in favour of the principle of allowing variation of benefits in accordance with certain circumstances. But when it comes to determining what these circumstances should be, opinions are widely divided, a situation which obviously corresponds to the solutions adopted by the legislation in force in the different countries.

In these conditions it seems impossible to propose the insertion of any provision on the subject.

Payment of Benefit for a Limited Period (Question 24)

The object of this question was to decide: (a) whether the Draft Convention should provide that benefit may be paid only for a limited period; (b) whether the determination of this period should be left to national laws and regulations or whether the Convention should lay down a minimum period; (c) whether the period should be different for normal economic conditions and for times of depression; and lastly, (d), Governments were asked what period or periods they propose.

(a) On the first point, only one reply was negative — that of the Union of South Africa. All the other Governments which have answered the question (Austria, Belgium, Bulgaria, the Canadian Province of Manitoba, Chile, Denmark, Finland, Great Britain, Italy, Netherlands, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia) accept the possibility suggested, either by replying in the affirmative to the question, or in another way, by proposing that it should be left to national legislation to decide. Two of them only,

Finland and Sweden, limit their agreement to the case of insurance.

(b) Opinions are almost equally divided on the determination of the period for the payment of benefit. Nine Governments (Austria, Belgium, Bulgaria, the Canadian Province of Manitoba, Finland, Netherlands, Norway, Poland and the Union of South Africa) consider that the determination should be left entirely to national legislation. The eight other countries which have answered the question (Chile, Denmark, Great Britain, Italy, Spain, Sweden, Switzerland and Yugoslavia) wish the Draft Convention to lay down a minimum period. It should be added that Italy proposes that the Draft Convention should lay down the principle that benefit may be paid only for a limited period and that the actual periods should be given in the Recommendation.

(c) Chile, Italy, Spain, Switzerland and Yugoslavia agree that a distinction should be made between normal economic conditions and times of depression in determining the length of the period for the payment of benefits. The other Governments which have expressed an opinion are not in favour of the proposal or suggest that national legislation should be left to decide.

(d) The figures proposed for the minimum period are as follows : twenty-six weeks (Chile and Great Britain, the latter Government admitting that a lower figure might be reasonable), seventy days (Denmark), thirteen weeks, three months or ninety days (Poland, Spain, Sweden and Switzerland — for normal times). Yugoslavia suggests that for the insurance scheme the period should be fixed at six months a year in normal times and at twelve months in times of depression, and, for the assistance scheme, at three months in the year.

The conclusion drawn from these proposals is that almost all the replies agree that the payment of insurance benefits might be limited to a given period. On the question of determining the minimum length of this period in the Draft Convention there are eight replies in favour and nine against — a majority of one reply against. It seems, however, that after asserting the principle of such a possibility as the question contemplated, it would be impossible not to restrict the application of that principle to some extent and entirely to ignore the views of those Governments which want a minimum laid down. The two points of view might perhaps be reconciled by allowing some latitude between two figures. It could for example be provided in the Draft Convention that the period of payment of insurance benefits should not normally be less than 156 working days in the year and should in no case be less than seventy-eight working days. The

Recommendation could further suggest that this period should be as long as is consistent with the solvency of the scheme ; it might also suggest that every effort should be made to pay allowances as long as claimants are in need of them. As regards the distinction between normal economic conditions and times of depression, it has been seen that the replies do not enable any provision to be made on the subject.

Maintenance of Unemployed Workers' Rights under Schemes of Social Insurance (Question 25)

The Governments were asked to state (a) whether the Draft Convention should provide for steps to be taken to maintain the rights of unemployed workers under schemes of social insurance (e.g. sickness, invalidity, accidents), and (b) whether provision should be made for financial assistance for this purpose from the public authorities or from the bodies which administer the unemployment schemes.

(a) On the first point Great Britain and Sweden answer in the negative, and the former points out that any provision of this nature should be the responsibility of the respective social insurance schemes.

Three Governments propose another solution: Spain, which considers that unemployment insurance benefit should include the payment of compulsory contributions to other social insurance schemes; Switzerland, which considers that benefits should be so fixed as to enable unemployed persons to pay the contributions necessary to maintain their rights under insurance (this Government adds, however, that should it be impossible to attain the desired end in all countries in this way, the matter might be dealt with in the Recommendation); and Finland, which proposes that unemployed persons should be exempted from contributions towards social insurance.

Three other Governments accept the proposal with some reservations: Austria, which does not think that credit can be given for the whole period of unemployment; the Canadian Province of Manitoba, which would limit action to what is practicable; Poland, which agrees that steps must be taken to maintain rights under invalidity, old-age and widows' and orphans' insurance schemes under conditions to be determined by national laws and regulations, and for sickness insurance benefits, the limits, duration and conditions being also determined by national laws and regulations, but considers that for accident insurance the question does not arise.

Norway, the Union of South Africa and Yugoslavia are not opposed to the proposed provision, but think it preferable to insert it in a Recommendation.

Lastly, Belgium, Bulgaria, Chile, Denmark, Italy and the Netherlands agree that the question should be treated as proposed, in the Draft Convention.

(b) Only three Governments (Bulgaria, Chile, Manitoba) are in favour of the second proposal. Most of the replies are either negative (Belgium, Great Britain, Sweden and Switzerland), contain no observations on this point (Denmark, Spain, Yugoslavia), or propose that national legislation should be left to decide (Austria, Finland, Italy, Netherlands).

These are the Governments' answers on this point, but there is another consideration to be borne in mind. When the points of the Questionnaire on unemployment insurance were drawn up, the Seventeenth Session had not yet adopted the Recommendation concerning the general principles of old-age, invalidity and widows' and orphans' insurance. Now this Recommendation includes a provision in paragraph 10 to the effect that sums required to be paid for maintaining the rights in course of acquisition of insured persons who are unemployed for a long time should,—in view of the impossibility of putting the expense of such payments solely on the insured persons in employment—be obtained through the financial assistance of the public authorities, as should payments for the purpose of consolidating and enhancing the rights of such unemployed persons. Provision for a similar solution should therefore be inserted in this Recommendation, at least as regards sickness insurance, since, in the case of accident insurance, as the Polish Government has rightly observed, the question does not arise.

VI. — Resources

QUESTIONS 26 TO 28 : REPLIES ON PAGES 88 TO 96

Raising of Necessary Sums (Question 26)

The question consisted of three points : (a) should the Draft Convention require each Member to take legislative measures to ensure the raising of the sums necessary for the payment of unemployment benefit ; (b) should it be left to national laws or regulations to fix the manner in which these sums are to be raised and the proportion payable by each class of contributor, or should these matters be dealt with in the Draft Convention ; and (c) (the last point, which depended on the answer given to the preceding point) if the Draft Convention fixed the manner in which these sums were to be raised, should it provide for the payment of contributions by the workers, the employers and the public authorities and in what proportions.

(a) On the first point, eight Governments propose to leave the decision entirely to national legislation: Austria, Belgium, Brazil, Finland, Hungary, Poland, Sweden and Switzerland; the last-named Government suggests that the States should be recommended to ensure the timely and methodical raising of the sums necessary for the payment of unemployment benefit. The eleven other States which have answered reply in the affirmative (Bulgaria, Chile, Denmark, Great Britain, Italy, Manitoba, Netherlands, Norway, Spain, the Union of South Africa and Yugoslavia.) A slight majority therefore favours the principle of requiring the States to ensure the raising of the necessary sums.

(b) and (c) On the question of dealing in the Convention, however, with detailed regulations on the manner of raising these sums, the situation is reversed and the majority of answers are opposed to this solution. Only seven Governments answer in the affirmative and their agreement is accompanied by a number of reservations and restrictions. Chile is in favour of laying down the sources from which funds are to be obtained, but subject to the right of national legislation to add others and to lay down the proportions or amounts of the contributions; Denmark agrees to laying down the principle of tripartite contribution, but would leave the proportions to be fixed by national laws and regulations; Great Britain and Spain are of the same opinion; Italy would stipulate that the funds should be raised by contributions from employers and workers, but would leave full liberty to each country as regards the total amount and the proportions of the contributions and any contribution which may be made by the State; Poland proposes that the question of contributions by the public authorities should be left to be dealt with by national legislation; and only Yugoslavia makes a proposal concerning the proportions of the contributions and suggests that the Recommendation should provide that contributions should be paid as to two-sevenths by the workers, as to three-sevenths by the employers, as to two-sevenths by the public authorities, and that the State should meet at least 75 per cent. of the cost of providing free travel for unemployed persons to a place of employment in the event of a change of district.

The eleven other answers (Austria, Belgium, Bulgaria, Brazil, Finland, Hungary, Manitoba, Netherlands, Norway, Switzerland and the Union of South Africa) propose to leave these questions to be settled by national legislation. It may be noted, however, that the Canadian Province of Manitoba suggests as the proportions of the contributions of the workers, employers and public authorities, one-fifth, two-fifths and two-fifths, and that Switzerland proposes to recommend the principle of tripartite contribution.

It may be said then, in conclusion, that the only point upon which there seems to be to some extent a majority is the requirement that Members should take measures to ensure the raising of the sums necessary for the payment of unemployment benefit and allowances. This obligation, however, would already be implicitly included in the general undertaking which States would give (in accordance with the observations on the character to be given to the Draft Convention, page 109) to ensure the payment of benefits or allowances to all unemployed persons covered by the Convention.

As regards detailed regulations, it has been seen that the great majority of answers are opposed to the inclusion of any provisions in the Draft Convention.

Financial Soundness of the Unemployment Benefit Scheme
(Question 27)

The Governments were here requested to state whether in their opinion the Convention should provide for measures to be taken to maintain the financial soundness of the unemployment benefit scheme and what these measures should be.

Three answers were affirmative, but did not propose any special measures (Bulgaria, Chile, Denmark).

Four others were also affirmative and in addition contained definite proposals: Spain suggests the restriction of expenditure by a precise definition of what is meant by genuine unemployment, constant effort to secure the best correlation between the various means of assisting persons genuinely unemployed and a frequent revision of insurance benefits and contributions; Great Britain suggests a periodical review of the financial situation of the insurance fund coupled with a binding obligation on the administrators of the scheme to modify rates of contribution, rates and periods of benefit, or conditions and disqualifications for benefit, in so far as necessary to make the fund reasonably sufficient to meet its liabilities; the Canadian Province of Manitoba refers to a national commission; and Sweden proposes that, as regards voluntary insurance, the individual funds should be required to create an equalisation fund.

Another State, Finland, without expressing a definite opinion, calls attention to its national legislation, under which the competent authorities are empowered to supervise the financial soundness of the voluntary unemployment insurance funds.

All the other Governments which have answered the question (Belgium, Italy, Netherlands, Norway, Poland and Switzerland) reply in the negative or propose that the question

should be left for decision to national legislation. The Union of South Africa points out that in its proposed scheme it is intended that a central State authority should supervise the working of the management committees in the specified industries, thus ensuring that the fund in each industry is maintained in a financially sound condition.

In view of the paucity and variety of the proposals made, and having regard to the opposition of a number of Governments to the suggestion, it seems impossible to propose anything more than a general provision in the Recommendation, to the effect that there should be a periodical review by the competent authority of the financial position of insurance funds in order that they may be kept as far as possible solvent and self-supporting.

Emergency Fund (Question 28)

The question here was whether the Draft Convention should make provision for the creation of an emergency fund and, if so, whether it should define the manner in which this fund is to be raised and what conditions the Governments proposed on the subject.

Two or three Governments accept the proposal that the Draft Convention should provide for the creation of an emergency fund and suggest the conditions in which this fund could be brought into being: Belgium, which recommends the organisation of its national emergency fund as an example, and Great Britain, which would agree to the retention of a reserve as a result of contributions accumulated over a period proving to be more than the outgoings. Sweden can perhaps be placed in the same group, since, as was stated in connection with Question 27, it suggests, as regards voluntary insurance only, that the individual funds should be required to constitute an equalisation fund in order to obviate the necessity of levying special contributions to meet extraordinary expenditure.

Seven other answers agree with the idea of providing for the creation of an emergency fund, but either do not define the manner in which it should be raised (Bulgaria, Chile, Finland) or definitely leave the method to be decided by national legislation (Italy, Spain, the Union of South Africa and Yugoslavia). It should be noted that Italy further proposes that the Recommendation should suggest that in periods of depression compulsory insurance should be supplemented by an assistance scheme.

Hungary does not give a definite answer, but points out that under its legislation a distress contribution may be levied on persons paying taxes on income and dividends to provide funds for the assistance scheme.

Norway and Switzerland consider that the question should be dealt with in the Recommendation.

Lastly, Austria, Denmark, the Canadian Province of Manitoba, the Netherlands and Poland reply in the negative or express the view that national legislation should be left to decide.

In these circumstances it seems that here again the only course is to propose the insertion of a general provision in the Recommendation for the creation of an emergency fund, without however going into any detail on the manner of raising such a fund.

VII. — Administrative Organisation

QUESTIONS 29 AND 30 : REPLIES ON PAGES 96 TO 100

Administration of Unemployment Benefit Schemes (Question 29)

The Governments were here asked whether the Draft Convention should contain provisions, and what provisions, as to the participation of the public authorities, the workers' organisations and the employers' organisations in the administration of the unemployment benefit scheme.

Six Governments (Bulgaria, Chile, Italy, Manitoba, Poland and Sweden) agree that such provision should be made. The Canadian Province of Manitoba states the proportion in which the three parties should be represented: public authorities, three members, workers' and employers' organisations, two members each. Italy considers that the administration should be entrusted to a public institution of a governmental or quasi-governmental character and that representatives not only of the public authorities but also of employers' and workers' organisations should participate in the administration of the institution. Sweden is of opinion that the employers should participate in the administration only if they share the cost of contributions.

One State, Denmark, is in favour of providing only for official supervision by the State, leaving national legislation to decide whether employers and workers should participate in the administration.

Great Britain considers that the scheme should be administered under effective State control. It takes only specified cases into account as regards the participation of the two other parties: if there is under a national scheme a body to advise on administration, employers' and workers' organisations should be consulted as to its constitution; and workers' organisations which themselves make unemployment payments to their members should be allowed to participate

in administration to the extent of recording proof of unemployment and paying the State benefit to their members at their own offices. The answer further states that any existing special schemes of compulsory insurance for separate industries providing benefits as favourable as the benefits of the general scheme and operated jointly by representatives of employers' and workers' organisations might be permitted.

Switzerland and the Union of South Africa propose that the question should be left for the Recommendation. It should be added that Finland and Yugoslavia are in favour only of a general Recommendation.

Lastly, Austria, Belgium, Hungary, Netherlands, Norway and Spain consider that national legislation should regulate the administration of unemployment benefit schemes. Spain merely wishes the principle to be laid down of self-governing institutions established by the State or by the persons concerned and of the representation of all the classes concerned in insurance. Norway proposes that the Recommendation should suggest that employers and workers should co-operate in the administrative organs of the scheme.

From the answers on this point, as on the two preceding ones, it appears that the attitude adopted by the Governments which have expressed an opinion can result only in the insertion of a provision, very general in form, in the Recommendation.

Methods of Determining Claims (Question 30)

The object of this point in the Questionnaire was to decide whether the Draft Convention should include provisions on the methods of determining claims, and Governments were asked to state any proposals they might have to make on the subject.

Nine Governments (Austria, Belgium, Chile, Denmark, Hungary, Italy, Netherlands, Sweden and Yugoslavia) answer the question in the negative or propose to allow national legislation to prescribe methods as may be thought fit.

Nine other Governments reply in the affirmative, but they accept in varying degrees. Two of them, Bulgaria and Finland, agree that provisions to the proposed effect should be inserted in the Draft Convention, but give no exact indication of what they should contain. Three other Governments make a definite proposal as regards the nature of the body to determine claims: Spain suggests a special system of joint jurisdiction, as an example of which might be taken its joint committees for social welfare; Great Britain proposes that cases should be decided either in the first instance or on appeal by a tribunal on which there are representatives of

insured persons and employers in equal numbers; the Canadian Province of Manitoba suggests local voluntary committees. The four other States which agree with the proposal desire to provide only that a right of appeal should be granted to the insured person (Norway), or that a satisfactory procedure should be laid down, the details of which should be left to national laws and regulations (Union of South Africa), or go into more detail and suggest that there should be an opportunity of appeal to an independent authority (Switzerland) or to a special body independent of the insurance institution (Poland, as far as compulsory insurance is concerned).

These replies suggest that it might be possible to insert in the Draft Convention a provision concerning the right of an insured person, in any dispute, to appeal to a special tribunal, without going into further detail.

VIII. — Treatment of Foreign Workers

QUESTION 31: REPLIES ON PAGES 100 TO 104

This question dealt with the three following points :

(a) Should the Draft Convention lay down the principle of equality of treatment for foreign and national workers as regards benefit, provided the foreign workers fulfil the same conditions as national workers ?

(b) Should it limit equality of treatment to foreign workers who are nationals of a country which has ratified the Convention or which applies its provisions to foreign workers ?

(c) Should it provide for special arrangements and, if so, what arrangements, for unemployed workers in frontier zones, having their residence in one country and working in a neighbouring country ?

The attitude of the Governments which have answered the question on each of these points is as follows :

(a) On the *principle* of equality of treatment, all the States which have answered the question seem to reply in the affirmative. The Swiss Government's answer on this point is cast, it is true, in a negative form, but as it explains later, in connection with paragraph (b), that equality of treatment should not apply to States which have not adhered to the Convention, it may perhaps be inferred that its intention was to propose that the principle should not be laid down without restrictions. It should also be noted that the Belgian Government limits the extent of the principle to voluntary insurance and that the Austrian Government is in favour of it only for insurance in the strict sense of the term.

(b) On the *limitation* of equality of treatment to countries which have ratified the Convention or which apply its provisions to foreign workers only three Governments (Manitoba, Italy and the Union of South Africa) reply in the negative. Hungary adopts the same attitude as regards assistance.

Austria proposes that equality of treatment, to the extent that it exceeds the scope of insurance proper, should be based on reciprocal agreements. Finland, Yugoslavia and, apparently, Chile and Spain consider that it should be limited to countries which grant reciprocity. But it may be remarked that this view is not incompatible with the solution proposed by the question, for if the Convention lays down the principle of reciprocity of treatment, the States which ratify it or apply its provisions would have to grant the same conditions to foreign workers as to their own nationals and that is the actual object of reciprocity.

Other Governments answer in the affirmative, but make certain reservations; thus Belgium agrees to the proposed limitation only in the case of insurance and proposes in the case of assistance to leave the decision to national legislation; Great Britain agrees so far as the Draft Convention imposes an obligation, while Switzerland wishes to keep the possibility of making benefit conditional on the foreign worker having been domiciled for a certain time (a maximum of five years) in the State in which he makes his claim for benefit. Sweden accepts limitation only to nationals of countries which have ratified the Convention.

The other replies (Bulgaria, Denmark, Netherlands, Norway and Poland) unreservedly agree to the solution proposed by the question.

The conclusion which may be drawn from these answers is in the first place that there is unanimous agreement upon the actual principle of equality of treatment. It seems therefore that, as in the case of the other Conventions dealing with insurance, there is no need to lay down the principle explicitly in the Convention. It would be enough to admit it implicitly and to state the cases in which it need not be applied. On this point the Draft Convention would provide that States Members may withhold from the nationals of any State for which the Convention is not in force equality of treatment with its own nationals in respect of payments from funds to which the claimant has not contributed. It could be further provided in the Recommendation that equality of treatment should not be withheld from the nationals of a Member which has not ratified the Convention if that State does in fact effectively apply its provisions.

(c) On the question of special arrangements for unemployed workers in frontier zones, opinion is somewhat divided.

Belgium, Brazil, Great Britain, the Netherlands and the Union of South Africa either reply in the negative, propose to leave the question to national legislation, or state that the question does not arise for them.

Five other Governments, Denmark, Finland, Norway, Sweden and Switzerland, consider that States should be allowed to solve the question by bilateral agreements. Norway suggests, however, that the States concerned should be recommended to make the necessary arrangements.

The Canadian Province of Manitoba admits that reciprocal agreements could be made if both the countries in question have ratified the Convention. Otherwise it considers that unemployed workers in frontier zones could come under the benefit scheme provided three-fifths of the contribution have been regularly paid.

The other answers agree that provision for arrangements should be made in the Draft Convention (Chile, Hungary, Italy and Poland) or in the general Recommendation (Yugoslavia).

The only arrangements proposed in these replies are the following: Chile considers that it might be laid down that frontier workers should be covered by the insurance scheme of the country in which they are employed in accordance with agreements to be made between the insurance institution in that country and the institution in the country of origin of the workers, by which the latter would be obliged to give the appropriate assistance to insured persons under the conditions laid down in the legislation of the country in which they were employed. Poland proposes that frontier workers should be enabled, while they are in the territory of the country in which they are employed, to receive unemployment benefit from the country in which they reside.

These answers seem to justify merely that the Draft Convention should provide for the possibility of prescribing special provisions for frontier workers, without going into detail on the arrangements to be concluded on the subject.

IX. — Possibility of Including Certain Points in the Recommendation

QUESTION 32: REPLIES ON PAGES 105 TO 107

This question asked Governments to state which of the points raised in the Questionnaire they considered could be dealt with in the complementary Recommendation.

It will be remembered in the first place that Questions 8 and 9 had already proposed the insertion in the Recommendation of provisions dealing with categories of workers for

whom exceptions are allowed and certain classes of persons working on their own account.

To avoid misunderstanding it should also be borne in mind that Finland and Yugoslavia are not in favour of the adoption of a Draft Convention and that their proposals, which have been examined in this chapter, are all intended to form part of a general Recommendation.

The various points which the Governments have suggested for insertion in a complementary Recommendation have all been noted under the different headings of the summary made above. It is unnecessary to enumerate them again. It should be said, however, that wherever it seemed possible to do so the Office has taken account of these proposals and a large number of them are in fact covered by the provisions of the draft Recommendation which is submitted to the Conference.

CHAPTER III

CONCLUSIONS AND TEXT OF A PROPOSED DRAFT CONVENTION AND OF A DRAFT RECOMMENDATION

In the previous chapter the results of the consultation of the Governments were analysed and an attempt was made, from a comparison of the opinions expressed, to deduce on each point conclusions upon which the Office would be able to base the proposals which it submits to the Conference. These proposals are given at the end of this chapter in the form of a proposed Draft Convention and a draft Recommendation.

Although they may appear modest, the Office believes that the proposed international regulations would constitute an immediate and real advance in the organisation of assistance for the unemployed and would lead in the future to further developments. In its proposals the Office has taken into account what is immediately possible and has followed the suggestions made by the Governments. The general principles of those suggestions may be briefly recalled before proceeding to comment on the proposed texts.

In agreeing to the drafting of international regulations on the question placed on the agenda, a large majority of the Governments stated, as was noted at the beginning of Chapter II (see page 108), that these regulations should consist of a Draft Convention and a complementary Recommendation. In the opinion of the majority, the Draft Convention should be wide enough in its terms to take into account the diversity of national laws and regulations and should be confined to laying down principles, while the Recommendation should complete the general provisions of the Draft Convention and deal with the most important points of the measures to be taken to apply it by the States Members.

The question of the nature of the international regulations assumed a special aspect in relation to the system adopted to ensure the payment of benefit or allowances to the unemployed (see page 109). Although each system or combination of systems had its supporters, there was no clear majority which would justify the proposal of any one solution to the exclusion of all others without the danger of compromising the adoption of the Draft Convention by failure to obtain the necessary two-thirds majority of votes and its ratification in the future by as large a number of States

Members as possible. In fact, the greater number of replies show a desire to leave national legislation full freedom of choice between the systems which the Convention would mention. This desire was undoubtedly due to the variety of systems at present in force, not only in different countries, but also sometimes within the legislation of a single country. Unemployment insurance and the various forms of assistance for the unemployed form a comparatively recent development of social legislation; and, as in every experimental period, differences of opinion have arisen upon the form which the relief of the unemployed should take. The States have chosen the forms which they thought best suited to their conditions, but their experiments have not always been conclusive; circumstances have varied and, in the last few years, the legislation of many countries has had to be remodelled. In these circumstances it is understandable that many Governments are somewhat apprehensive at the idea that international regulations may require the exclusive application of any one system before that system has been proved to them by long experience to be the most satisfactory. Further, it seems that at the present stage the essential aim which it may be hoped to achieve would be to ensure to the unemployed in general substantial relief which would compensate them, at least partially, for the loss of the means of subsistence which they can no longer gain from the exercise of their occupations. If the Governments assume a formal undertaking on this subject, it would seem that they must at present be left free to choose among the various systems which have been in force up to the present. There is however an essential counterpart to this solution: the Convention must lay down the conditions and safeguards necessary for the application of each system to be considered satisfactory. In commenting upon the provisions which are proposed it will be possible to give an impression of the extent to which the result of the consultation of the Governments enables such conditions and safeguards to be laid down.

COMMENTS ON THE PROPOSED DRAFT CONVENTION

Article 1 in the first paragraph defines the object of the Convention and lays down the requirement that the payment of benefit or of an allowance should be ensured to every unemployed person to whom the Convention applies.

There is no need to emphasise the importance of this clause. As was explained in Chapter II (page 146), it did not seem possible to lay down any definite provision concerning the financial organisation of insurance, but if the States are to be free to arrange as they please the manner of organisation, it is in any case essential that they should undertake

to raise the necessary funds for the payment of unemployment benefit. As has been stated, this undertaking is implicit in the obligation imposed here.

The second paragraph defines the two terms which are to be constantly used in the Draft Convention. As a distinction had to be made in many of the provisions between insurance and assistance, it seemed desirable, for convenience in drafting, to make it clear what should be meant by the words "benefit" and "allowance", which correspond respectively to the payments made under insurance and under assistance schemes.

Article 2 provides that the States, in order to give effect to the undertaking assumed by them in *Article 1*, must maintain a scheme covering all persons to whom the Convention applies. As was explained on page 111, it seemed impossible, in view of the divergence of opinion among the Governments, to lay down in the Draft Convention what that scheme should be, and, for the reasons which have been given, *Article 2* is confined to enumerating the solutions from which States may choose. They are: compulsory insurance, voluntary insurance combined with a complementary assistance scheme, assistance, or any combination of the above schemes. This formula should meet with general acceptance, since each of the solutions which it includes has its supporters and many Governments were of opinion that national legislation should be left quite free in the choice of a scheme. The reasons should however be noted for which it was thought essential to provide that voluntary insurance must be completed by an assistance scheme. All wage earners belonging to the categories which it covers necessarily come under a compulsory insurance scheme; in voluntary insurance, on the contrary, a wage earner may in theory come within the scope of the scheme but he will not however be insured unless he voluntarily becomes a member of an institution. With voluntary insurance alone there is, therefore, a danger that in fact many wage earners and salaried employees covered by the Convention might not be protected against the effects of unemployment and this would be contrary to the whole object of the Convention. It therefore seemed essential to provide that, if this form of insurance is adopted, unemployed persons who have not voluntarily insured themselves should nevertheless be covered by a complementary assistance scheme.

Another question arose in connection with the solution which consists in setting up an insurance scheme. In the case either of compulsory or voluntary insurance, there are inevitably persons who, although insured, may be deprived of protection, viz. those who have exhausted their right to benefit or those who have not completed the waiting period imposed as a condition of that right. If it is desired to ensure

relief for all unemployed persons, it is therefore necessary in this case as well to provide for a complementary assistance scheme. It did not however seem possible to do so in the Draft Convention and this question has been reserved, as will be seen below, for the Recommendation.

The second paragraph of Article 2 makes an important qualification to Article 1 by requiring that any assistance schemes set up shall be entirely distinct from the ordinary arrangements for the relief of destitution, that is to say, the Poor Law or any other equivalent system.

The object of *Article 3* is to define the scope of the Convention. In the first paragraph it lays down the principle that the Convention shall apply to all wage earners and salaried employees, that is to say, to all persons who habitually engage in employment for wages or salary.

The second paragraph allows national laws and regulations to make such exceptions as are deemed necessary from among those enumerated. It seems unnecessary to dwell upon the exceptions allowed here, since the choice of them was discussed at some length in Chapter II (page 117). It may merely be recalled that in the case of seasonal workers it was thought desirable to provide, as some Governments suggested, that to justify their exception they must have a working season which is normally less than six months and must not be ordinarily employed during the remainder of the year in other employment covered by the Convention. Similarly, for occasional workers, it was thought necessary to provide that by this are meant persons engaged only occasionally or subsidiarily in employment covered by the Convention. It should also be noted that it was considered desirable to specify that workers under a prescribed age refers to *young* workers, so that the age limit cannot in this case be fixed at too high a figure. This is the only indication which it has been possible to give on the age limit, since, as in the matter of the limit of earnings, the Governments' replies did not enable any figure to be proposed and, as will be seen below, all that could be done was to suggest certain principles of application in the Recommendation.

Paragraph 3 of the Article recalls the fact that the Convention does not apply to seamen or sea fishermen, as the Governing Body of the International Labour Office decided when it placed the question on the agenda. It also states that the Convention does not apply to agricultural workers. It is unnecessary to repeat the reasons which underlie this clause and which were explained at some length in Chapter II (see page 116). But the fact may again be emphasised that it does not in any way prejudice the question whether this class of workers should or should not be included in unemployment insurance and assistance legislation. It only means

that in present conditions it seemed almost impossible to include them in the international regulations applicable to other categories as a whole, that by admitting them as a possible exception the practical result might be to exclude them, and that it was consequently thought preferable to reserve the whole question for international regulation at a later date.

Article 4 simply explains the obligation laid down in Article 1 by requiring that, subject to certain conditions set forth in the following Articles, benefit must be payable to every insured person who is unemployed and allowances to every unemployed person to whom the Convention applies who is not in receipt of benefit.

Article 5 specifies some of the conditions in question. Here the question of the definition of unemployment would first have arisen, but it will be remembered (see page 112) that it was impossible to find a form of words suitable for international application and containing all the various standards for which the legislation of the States provides, and that, moreover, such a definition was considered superfluous because, in view of the considerations upon which it might be based, it would already result from the provisions laying down the conditions necessary for a person to be deemed unemployed and entitled to benefit or an allowance as well as the circumstances in which a person should not be deemed to be unemployed or so entitled. It may be noted here that as regards persons partially unemployed, Article 8, which is discussed below, provides that the waiting period must be fixed in such a way that claimants unemployed for a series of short spells are not prevented from qualifying for the receipt of benefit or an allowance. This provision is intended to a certain extent to compensate for the absence of any definition of partial unemployment, because the manner in which the waiting period is fixed largely decides whether such persons shall be included or excluded. As will be seen below, it has been thought desirable to suggest a definition of what is meant by partial unemployment in the Recommendation.

The Article states the conditions with which claimants *must* comply to be entitled to receive benefit or an allowance. Following the proposals in the Governments' replies it enumerates fitness and availability for work, registration at a public employment exchange or at some other office approved by the competent authority, and regular attendance at that office, subject to such exceptions and conditions as may be prescribed by national laws and regulations. Lastly, to make it possible to impose all the conditions which may be found necessary, the Article provides, in its last paragraph, that claimants must comply with such other requirements

as may be prescribed to ensure that they fulfil the conditions for the receipt of benefit or an allowance.

Article 6 states, apart from the special conditions specified in *Article 5* with which claimants *must* comply, other conditions or grounds for disqualification which *may* be allowed. This possibility applies not only to the conditions and disqualifications mentioned in the following Articles, but also to any others which Governments may consider desirable. This leaves to national legislation the considerable measure of freedom which was thought essential. The Article provides however a safeguard in this respect: any conditions or disqualifications which Governments may impose, apart from those defined in the following Articles, must be indicated by them in the annual reports submitted under *Article 408* of the Treaty.

Articles 7, 8, 9 and 10 scarcely call for comment, since they merely embody the conclusions arrived at from the Governments' answers concerning a qualifying period (page 124), a waiting period (page 130), attendance at a course of vocational or other instruction (page 129), and the obligation to accept employment on relief works organised by a public authority (page 129). The provision concerning a waiting period (*Article 8*) has been drafted, as stated above in connection with *Article 5*, so that the period may not be fixed in such a way as to exclude claimants unemployed for a series of short spells. It should also be pointed out that *Article 9*, which deals with attendance at a course, applies both to insurance and assistance, while the power to make the right to allowances conditional upon the acceptance of employment on relief works refers only to assistance. This distinction is the result, as explained above (page 130), of the attitude adopted by the Governments, which was apparently guided by the fact that in the case of insurance workers are entitled to benefit unreservedly in return for the payment of their contributions, while in the case of assistance some Governments consider that some return for the allowances may be required.

Article 11 deals in some detail with *possible* cases of disqualification. In its first paragraph it covers refusal by a claimant to accept suitable employment and lays down in this respect the circumstances in which employment shall not be deemed suitable. As was explained (page 129), it was difficult to give a positive definition of suitable employment, but on the other hand, if such a case of disqualification were to be covered, it would be impossible not to state at least some characteristic circumstances in which employment could not be deemed to be suitable. Those mentioned in the text can, it seems, be accepted without difficulty, since

they are derived from the suggestions made in a very large number of replies. The same observation also applies to the cases provided for in paragraph 2 of the Article, which does not seem to need any further comment (cf. Chapter II, page 133).

Paragraph 3 deals with a more special case of disqualification and is based on a suggestion made by certain Governments (see page 135). Since the whole object of the Convention is to remedy the loss of earnings suffered by the unemployed person, it seemed fair to allow the possibility of withdrawing his right to benefit or allowance if he receives from his employer, in virtue of his contract of service, compensation equal to his loss of earnings. It should, however, be pointed out that unlike the preceding disqualifications, which would be permitted for a period to be laid down by national legislation, this disqualification would be allowed only for the period for which the unemployed person receives the compensation in question.

Article 12, which deals with the duration of the period to which the payment of benefit or allowances may be limited, is the only Article in the proposed Draft Convention which prescribes definite figures. This was absolutely necessary. The preceding provisions leave Members free to fix the duration of the qualifying period and of the waiting period. If the Convention did not specify any minimum for the period of payment of benefit and allowances it would have scarcely any practical value. This was no doubt the point of view of the Governments which were in favour of some limitation here. Although, then, it seemed essential to lay down a minimum, there was some difficulty in deciding on a figure. It was found from an examination of the answers (see page 144), that the different suggestions made by the Governments varied in general from thirteen to twenty-six weeks. As has been stated, it was thought possible to propose the highest of these figures, namely 156 working days in the year, as a normal minimum for the period in question, without however excluding the possibility of reducing this minimum to seventy-eight working days in certain cases.

It may further be noted that there is nothing in the text to prevent the payment of benefit and allowances for longer than the minimum period. On the contrary, it will be seen below that the Recommendation definitely suggests the maintenance of a complementary assistance scheme to cover persons who have exhausted their right to benefit and that it also recommends that the period during which benefit is payable should be as long as possible.

Article 13 deals with the needs of the claimant as a condition of his right to allowances (see Chapter II, page 138). It

makes a distinction between insurance and assistance; for the former it excludes the condition in question, while it allows the possibility for the latter. As this solution corresponds to the practice followed in almost every country, there seems no need to dwell upon the point. It may however be observed that, although this condition is made applicable to assistance in the legislation of most countries, the manner in which proof of need is secured differs very much from country to country. It was not therefore possible to go into detail upon the method to be followed and the text leaves the question to be settled by national laws or regulations.

Article 14 covers the form in which benefit and allowances are to be paid (see page 140). Like the preceding Article, it distinguishes between insurance benefit, which *must* be paid in cash, and assistance allowances, which *may* be paid in kind: this solution also corresponds with the practice in a number of countries and allows for the desire expressed by some Governments that it should be possible in some cases to pay allowances in kind.

The Article further provides that supplementary grants may be made in kind from insurance funds to facilitate the re-employment of an insured person. On this point it was explained in Chapter II (page 141) that the Governments' replies made it impossible to go into further detail in the Convention. It may, however, be stated that the facilities which the text contemplates would consist, as several Governments suggested, of free railway tickets to allow the unemployed person to travel to a new place of employment when work is offered him in another district, in the provision of tools, clothing, etc. It will be seen below that the Recommendation contains some suggestions on this subject.

Article 15, which provides for the right of appeal to a special tribunal in any dispute concerning benefit or allowances, merely gives effect to the wishes of the Governments, which, while in agreement upon the principle, seemed as a whole to desire that the task of deciding the details of application should be left to national legislation.

Article 16 covers two different cases. In the first paragraph it provides that the payment of benefits and allowances may be withheld from any unemployed person while he is resident abroad. This case has been suggested as a ground for disqualification by some Governments (see page 135). It is probable that an unemployed person in such circumstances would not fulfil some of the conditions laid down in the preceding Articles and would thereby be excluded from the right to benefit and allowances. This indirect

disqualification might not however be enough and it was thought desirable to make definite provision here for such cases.

Paragraph 2 deals with quite a different category of unemployed persons: frontier workers who are employed in one country and reside in a neighbouring country. It was clearly essential to make provision for special arrangements in their case, since they might otherwise be disqualified in both countries at once. The text therefore lays down that special provisions may be prescribed for these persons.

Article 17 deals with the equality of treatment of foreign workers. As noted in the preceding chapter (page 152), this question gave rise to somewhat varied opinions. It was therefore thought best to make a distinction according as the payments are made from funds to which the claimant has contributed or from funds to which he has not contributed. Thus the principle of equality of treatment is implicitly accepted and an exception to the principle is allowed only as regards the nationals of a country in which the Convention is not in force and in that case only in respect of funds to which the claimant has not contributed¹.

COMMENTS ON THE DRAFT RECOMMENDATION

In general the draft Recommendation, as has been pointed out, only defines certain points of detail which could not be given in the proposed Draft Convention. A brief examination of its provisions is given below.

Paragraph 1 recommends that in countries where there is no compulsory unemployment insurance steps should be taken to create such a system as soon as possible. This provision is intended to meet the wishes of those Governments which proposed that the creation of compulsory insurance should be required. As has been explained (page 109), the divergence of views make it impossible to give effect to this proposal in the Draft Convention, but it was thought

¹ At its session held in Geneva from 4 to 9 December 1933 the Committee of Experts on Assistance to Indigent Foreigners and the Execution of Maintenance Obligations Abroad recommended that "the participation of foreigners in the benefits of unemployment insurance and various forms of assistance to the unemployed should be regulated as early as possible and in the most liberal manner by means of an international labour convention on the basis of the principle of equality of treatment". It is believed that the provisions of Article 17 are of a nature to carry out this recommendation, which was communicated to the Office by the Secretary-General of the League of Nations.

necessary to take account of it by a provision in the Recommendation which might lead in the future to the framing of stricter regulations than those adopted as a result of the decision taken in respect of Article 2 of the proposed Draft Convention.

Paragraph 2 strengthens the terms of Article 2 of the proposed Draft Convention by suggesting that a complementary assistance scheme should cover the case of persons who have exhausted their right to insurance benefit, because the duration of their unemployment has exceeded the period for payment of benefit, or, in certain cases, that of persons who have not yet acquired the right, through not having completed the prescribed waiting period. The text lays down, as does the proposed Draft Convention, that such an assistance scheme should be entirely independent of the ordinary arrangements for the relief of destitution.

Paragraph 3 states that benefit or allowances should cover all unemployed persons, those partially unemployed as well as those wholly unemployed. It has been explained (page 160) that it was found impossible to give a definition of partial unemployment in the Draft Convention and it was therefore merely laid down that the waiting period should be fixed in such a way as not to exclude claimants unemployed for a series of short spells. To complete and strengthen this provision it has been thought desirable to propose a definition of partial unemployment; this course would in any case be approved by those Governments which desired to reserve the whole question of partial unemployment for the Recommendation. The standard adopted in this definition is not exacting and is based on a reduction in remuneration by not less than one-third of the normal remuneration.

Paragraphs 4 and 5 deal with the scope of application and limit in some respects the freedom left to national legislation by the proposed Draft Convention. The first paragraph, in sub-paragraph (a), lays down the principle that unemployment insurance and assistance schemes should be applied as soon as possible to all wage earners and salaried employees. It defines the meaning of this term and includes persons employed under a contract of apprenticeship with money payment. It adds that any exceptions to this principle which are considered necessary should be confined within the narrowest possible limits. The second sub-paragraph makes good the lack of precision in the proposed Draft Convention as regards the maximum age limit by stating that the persons in question should be covered either by insurance or assistance until they reach the age at which they are entitled to an old-age pension. The paragraph

then considers the case of particular classes of workers whom it may be necessary to exclude from the general insurance scheme because their conditions are such that they could not be included without a certain amount of adaptation; it provides that for these classes special arrangements should be made to allow them to benefit by insurance. The text lays down that these arrangements should aim in particular at ensuring adequate proof of unemployment and at adapting the benefit to the normal earnings of the workers concerned. It should be added that the classes to which this provision may apply correspond in the main to those named in the list of exceptions allowed by Article 3 of the proposed Draft Convention. Lastly, in a final sub-paragraph, paragraph 4 deals with the case of persons working on their own account, for whom the Questionnaire proposed the insertion of a special condition in the Recommendation because, being neither wage earners nor salaried employees, they would be excluded from the Draft Convention. It has been stated (page 123) that the replies make it possible to deal only to a limited extent with the protection of these workers. The text therefore merely states that whenever possible, and in particular whenever satisfactory measures of supervision can be applied, special provision should be made for the relief of persons of comparatively small means working on their own account who are unemployed.

Paragraph 5 concludes the provisions relating to the scope by providing the safeguard that the limit of earnings, which it is left to national legislation to fix, should in any case be fixed sufficiently high to ensure that workers excluded on this ground would be able to make provision by themselves against unemployment.

Paragraphs 6, 8, 9, 10 and 11 deal with the conditions to which the right to benefit and allowances is subject and with disqualifications from that right. The first of these paragraphs completes the provisions of the proposed Draft Convention relating to a qualifying period and lays down the limits which it should not exceed as far as insurance is concerned. The figures proposed correspond with those in the legislation of many countries: twenty-six weeks' employment in an occupation covered by the scheme or the payment of twenty-six weekly contributions, or the equivalent, within twelve months preceding the claim for benefit, or else fifty-two weeks' employment or fifty-two weekly contributions within twenty-four months preceding the claim.

Paragraph 8 lays down a maximum for the waiting period which is permitted by the proposed Draft Convention; this maximum is eight days for each spell of unemployment, subject to the provisions of Article 8 of the Draft Convention

concerning short spells of unemployment and of paragraph 3 of the Recommendation. This is in accordance with the legislation of most countries.

Paragraph 9, 10 and 11 contain details concerning certain personal circumstances of the claimant of which account should be taken in deciding whether an employment is "suitable", the circumstances in which disqualification should apply in the case of loss of employment due to a trade dispute, and those which should be taken into account in imposing the obligation to attend a course of instruction or to accept employment on relief works. The reasons for these provisions were explained at length in Chapter II (pages 128) and it is unnecessary to go into them again.

Paragraph 7 deals with the period during which benefit is payable. It was stated in connection with Article 12 of the proposed Draft Convention that this was considered an essential point. Although minimum figures are given in the Draft Convention, it has been thought desirable to emphasise once more in the Recommendation the necessity of prolonging as far as possible the period during which benefit is payable. The text therefore suggests that in the case of insurance benefits this period should be made as long as is consistent with the solvency of the scheme, and that in the case of assistance allowances every effort should be made to pay them as long as claimants are in need of them.

Paragraph 12 calls for no special comment, since the question was dealt with in Chapter II (page 140) and in connection with Article 14 of the proposed Draft Convention (page 163). It provides that part of the money available should be used to facilitate the return of unemployed persons to employment. It quotes as an example vocational and other training and the payment of fares to unemployed persons who find employment in a district other than that in which they reside. These suggestions are not, of course, exhaustive and are given only as examples.

Paragraphs 13 and 14 provide respectively for a periodical financial review of insurance funds and the creation of an emergency fund for periods of particularly severe unemployment. As stated in Chapter II (pages 148 and 149), these were the only provisions which could be proposed as regards financial organisation; even so the terms in which they are drafted are necessarily very general and go into no details of organisation.

Paragraph 15 is the only provision relating to administrative organisation. It provides for the participation of

representatives of the contributors in the administration of insurance schemes. Here again, the Governments' replies did not make it possible to go beyond the formulation of a principle (see Chapter II, page 150).

Paragraph 16 extends the scope of Article 17 of the proposed Draft Convention as regards equality of treatment. It will be remembered that the Questionnaire alluded in this connection to the States which have ratified the Convention or apply its provisions. It may in fact happen that without ratifying the Convention a Member may have legislation in force which is in conformity with its provisions. Since the proposed Draft Convention refers, as has been seen (see page 164), to Members for which the Convention is not in force, it seemed desirable to state here that equality of treatment should not be withheld from the nationals of a Member which has not ratified, if that Member effectively applies the provisions of the Convention.

Paragraph 17 completes the provisions of Article 16, second paragraph, of the proposed Draft Convention by recommending bilateral agreements between neighbouring States to regulate the conditions under which unemployed workers in frontier zones can receive benefit or allowances.

Lastly, *paragraph 18*, which deals with acquired rights in the matter of social insurance, corresponds, as was stated in Chapter II, to a provision in the Recommendation concerning the general principles of old-age, invalidity and widows' and orphans' insurance, which had not yet been adopted when the Conference decided the points upon which the Governments were to be consulted. The provisions of that Recommendation are here extended to include sickness insurance.

In conclusion, it remains to draw attention to two points with which the Questionnaire did not deal.

The first is that of equality of treatment, in unemployment insurance and assistance, for refugees.

On this subject, the attention of the Conference should be drawn to a Draft Multilateral Convention on assistance to indigent foreigners, prepared by a Committee of Experts convened by the League of Nations, from 4 to 7 December 1933, and communicated for observations to the Governments. The Preamble and first Article of this Draft Convention are as follows :

On the express understanding that the system of social insurance, unemployment relief and legal aid to the poor does not fall within the scope of the present Convention ;

Whereas, while the extension to all foreigners in each country of the benefits deriving from national legislation on social insurance and unemployment relief, freedom of movement and free access to the national market of labour for foreigners established in the country of residence

are the most effective means of preventing recourse to assistance proper, measures of assistance will nevertheless remain indispensable in a large number of cases ;

Whereas humanitarian principles and considerations of public policy cannot but induce States to grant effective and adequate assistance to any foreigner without means of livelihood, even when there is no obligation to do so under any law or convention ;

Considering it desirable that an international Convention on assistance to indigent foreigners should ensure for such persons the benefit of all measures of assistance applicable to nationals ;

The undersigned plenipotentiaries, being provided with full powers found in good and due form, have agreed upon the following provisions :

Article 1

Each of the Contracting Parties undertakes that nationals of the other Contracting Parties residing in its territory and standing in need of relief, medical attention or any other assistance whatsoever, including moral assistance, shall receive in such territory the same treatment as its own nationals and subject to the same conditions as the latter, together with decent burial if necessary.

Such assistance shall at least apply :

(a) To persons entirely without means of livelihood ;

(b) To persons suffering from physical or mental disease, to the aged or to invalids incapable of providing for their own needs ;

(c) To minors for whose maintenance neither their own families nor third parties are making adequate provision. The assistance granted to such persons shall include not only medical and hygienic care and admission to institutions, but also all the measures of protection, maintenance, training and education applicable to indigent national minors. For the purposes of the present provision the term " minority " shall be construed to mean the civil minority as defined by the laws of the country of residence.

Refugees as defined in the Geneva Agreements of 12 May 1926 and 30 June 1928, and by the administrative practice of the countries in which they are regularly authorised to reside, together with Stateless persons and persons of indeterminate nationality shall be entitled in such countries to the assistance specified above.

It will be seen that special provision is made for indigent refugees and Stateless persons and the Office suggests that the Conference may be prepared to take similar action as regards unemployed refugees. The case of Stateless persons would be already implicitly covered by Article 17 of the Office's proposals for a Draft Convention, which allows the exclusion from unemployment benefit and allowances only of nationals of States for which the Convention is not in force ; and Stateless persons are not nationals of a State. For refugees, however, the Conference might perhaps be disposed to recommend that they should not in any case be excluded from unemployment benefit and allowances to which nationals are entitled, adopting of course the definition of refugees given in

the Draft Convention of the Committee of Experts quoted above.

It has not, however, been thought possible to insert any provision on the subject in the Office's Draft Recommendation, because the Governments had not been consulted; but the Conference will be in a position to deal with the question, if it so desires.

There is a second point still to be mentioned. At the request of the Swiss workers' representatives, the report of the Committee set up by the Seventeenth Session mentioned the opinion of the workers' members that the principle of equality of treatment implied an obligation on the part of a State which subscribed to it not to repatriate foreign workers from its territory merely because they were unemployed.

Here again, the Governments have not been consulted. The Office has not considered itself authorised to propose a draft text, but thought that it should bring this matter to the attention of the Conference. It is for the Conference to decide whether the matter should or should not be taken into consideration.

* * *

Subject to the observations made above, the Office submits to the Conference for examination the proposals for a Draft Convention and a Recommendation which appear on pages 172 to 187.

PROPOSED DRAFT CONVENTION CONCERNING UNEMPLOYMENT INSURANCE AND VARIOUS FORMS OF RELIEF FOR THE UNEMPLOYED

ARTICLE 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure the payment of benefit or of an allowance to every unemployed person to whom this Convention applies.

2. For the purpose of this Convention :

- (a) "benefit" means a payment made under an insurance scheme ;
- (b) "allowance" means a payment made under an assistance scheme.

ARTICLE 2

1. For the purpose of ensuring the payment of benefit or allowances each Member ratifying this Convention undertakes to maintain a scheme covering all persons to whom this Convention applies, which scheme may be either :

- (a) a compulsory insurance scheme ;
- (b) a voluntary insurance scheme combined with a complementary assistance scheme ;
- (c) an assistance scheme ; or
- (d) any combination of the above.

2. Unemployment assistance schemes shall be entirely distinct from the ordinary arrangements for the relief of destitution.

ARTICLE 3

1. This Convention applies to all persons who habitually engage in employment for wages or salary.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) domestic workers ;
- (b) home workers ;

AVANT-PROJET DE CONVENTION CONCERNANT L'ASSURANCE-CHOMAGE ET LES DIVERSES FORMES D'ASSISTANCE AUX CHOMEURS

ARTICLE PREMIER

1. Tout Membre de l'Organisation internationale du Travail qui ratifie la présente convention s'engage à assurer le paiement d'indemnités ou d'allocations à tout chômeur visé par la présente convention.

2. Aux fins de la présente convention :

- a) le terme « indemnités » signifie : sommes versées en vertu d'un système d'assurance ;
- b) le terme « allocations » signifie : sommes versées en vertu d'un système d'assistance.

ARTICLE 2

1. En vue d'assurer le paiement des indemnités ou des allocations, chaque Membre qui ratifie la présente convention s'engage à instituer un régime couvrant toutes les personnes auxquelles s'applique la présente convention ; ce régime peut être soit :

- a) une assurance obligatoire,
- b) une assurance facultative combinée avec un système complémentaire d'assistance,
- c) un système d'assistance,
- d) une combinaison des systèmes précités.

2. Les systèmes d'assistance contre le chômage devront être entièrement distincts des mesures générales d'assistance aux indigents.

ARTICLE 3

1. La présente convention s'applique à toutes personnes qui sont habituellement employées en échange d'un salaire ou d'un traitement.

2. Toutefois, chaque Membre pourra prévoir, dans sa législation nationale, telles exceptions qu'il jugera nécessaires en ce qui concerne :

- a) les gens de maison ;
- b) les travailleurs à domicile ;

- (c) workers engaged in employment of a relatively permanent character, under a central or local Government or a public utility undertaking ;
- (d) non-manual workers whose earnings exceed a prescribed amount ;
- (e) workers whose employment is of a seasonal character, if the season is normally of less than six months duration and they are not ordinarily employed during the remainder of the year in other employment covered by this Convention ;
- (f) young workers under a prescribed age ;
- (g) workers who exceed a prescribed age ;
- (h) persons engaged only occasionally or subsidiarily in employment covered by this Convention ;
- (i) members of the employer's family ; and
- (j) other classes of workers the special characteristics of whose employment make it impossible to apply to them the provisions of this Convention.

3. This Convention does not apply to seamen, sea fishermen, or agricultural workers.

ARTICLE 4

1. Subject to the conditions set forth in the following Articles benefit shall be payable to every insured person who is unemployed.

2. Subject to the conditions set forth in the following Articles an allowance shall be payable to every unemployed person to whom this Convention applies who is not in receipt of benefit.

ARTICLE 5

No claimant shall be entitled to receive benefit or an allowance unless he complies with the following conditions :

- (a) unless he is capable of and available for work ;
- (b) unless he has registered at a public employment exchange or at some other office approved by the competent authority and, subject to such exceptions and conditions as may be prescribed by national laws or regulations, attends there regularly ; and
- (c) unless he complies with such other requirements as may be prescribed for the purpose of ensuring that he fulfils the conditions for the receipt of benefit or of an allowance.

- c) les travailleurs qui occupent des emplois relativement stables dépendant du gouvernement central, des pouvoirs publics locaux ou d'un service d'utilité publique ;
- d) les travailleurs non manuels dont les gains dépassent une somme déterminée ;
- e) les travailleurs dont l'emploi a un caractère saisonnier, lorsque la durée de la saison est normalement inférieure à six mois et que les intéressés ne sont pas ordinairement occupés, pendant le reste de l'année, à un autre emploi couvert par la présente convention ;
- f) les jeunes travailleurs n'ayant pas encore atteint un âge déterminé ;
- g) les travailleurs ayant dépassé un âge déterminé ;
- h) les personnes qui ne sont occupées qu'à titre occasionnel ou subsidiaire à des emplois couverts par la présente convention ;
- i) les membres de la famille de l'employeur ;
- j) d'autres catégories de travailleurs dont l'emploi a un caractère spécial tel qu'il serait impossible de leur appliquer les dispositions de la présente convention.

3. La présente convention ne s'applique pas aux marins, aux marins pêcheurs, ni aux travailleurs agricoles.

ARTICLE 4

1. Sous réserve des conditions prévues aux articles suivants, les indemnités devront être payées à tout assuré qui se trouve en chômage.

2. Sous réserve des conditions prévues aux articles suivants, une allocation devra être payée à tout chômeur auquel s'applique la présente convention et qui ne reçoit pas une indemnité.

ARTICLE 5

Pour avoir le droit de recevoir des indemnités ou des allocations, les requérants doivent remplir les conditions suivantes :

- a) être aptes au travail et disponibles pour le travail ;
- b) s'être inscrits à un bureau de placement public ou à quelque autre bureau approuvé par l'autorité compétente et, sous réserve des exceptions et conditions qui pourront être prescrites par les législations nationales, fréquenter régulièrement ledit bureau ;
- c) se conformer à toutes autres prescriptions qui peuvent être édictées en vue d'assurer qu'ils remplissent les conditions relatives à l'octroi d'une indemnité ou d'une allocation.

ARTICLE 6

The right to receive benefit or an allowance may be made subject to other conditions and disqualifications, in particular those defined in Articles 7, 8, 9, 10, 11, 12 and 13. Any conditions or disqualifications other than those defined in the said Articles shall be indicated in the annual reports submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace.

ARTICLE 7

The right to receive benefit or an allowance may be made conditional upon the completion of a qualifying period involving either :

- (a) employment in an occupation covered by this Convention for a prescribed number of weeks within a prescribed period preceding the claim ; or
- (b) the payment of a prescribed number of contributions within a prescribed period preceding the claim.

ARTICLE 8

The right to receive benefit or an allowance may be made conditional upon the completion of a waiting period, which shall be fixed in such a way that claimants unemployed for a series of short spells are not prevented from qualifying for the receipt of benefit or an allowance.

ARTICLE 9

The right to receive benefit or an allowance may be made conditional upon attendance at a course of vocational or other instruction.

ARTICLE 10

The right to receive an allowance may be made conditional upon the acceptance, under conditions prescribed by national laws or regulations, of employment on relief works organised by a public authority.

ARTICLE 11

1. A claimant may be disqualified for the receipt of benefit or of an allowance for a prescribed period if he refuses an offer of suitable employment ; employment shall not be deemed to be suitable :

- (a) if acceptance of it might prejudice the claimant in the future pursuit of his occupation, or might be injurious to his health or morals ;
- (b) if acceptance of it would involve residence in a district in which suitable accommodation is not available ;

ARTICLE 6

Le droit à une indemnité ou à une allocation peut être soumis à d'autres conditions ou disqualifications et notamment à celles prévues aux articles 7, 8, 9, 10, 11, 12 et 13. Les conditions ou disqualifications autres que celles prévues aux articles susmentionnés devront être indiquées dans les rapports annuels prévus par l'article 408 du Traité de Versailles et les articles correspondants des autres traités de paix.

ARTICLE 7

Le droit aux indemnités ou aux allocations peut être subordonné à l'accomplissement d'un stage comportant :

- a) soit l'emploi dans une occupation couverte par la présente convention pendant un nombre déterminé de semaines au cours d'une période déterminée précédant la demande d'indemnités ou d'allocations ;
- b) soit le versement d'un nombre déterminé de cotisations au cours d'une période déterminée précédant la demande d'indemnité.

ARTICLE 8

Le droit à une indemnité ou à une allocation peut être subordonné à l'expiration d'un délai de carence qui sera fixé de telle manière que les requérants en chômage pendant une série de brèves périodes ne seront pas exclus du droit de recevoir une indemnité ou une allocation.

ARTICLE 9

Le droit aux indemnités ou aux allocations peut être subordonné à la fréquentation d'un cours d'enseignement professionnel ou autre.

ARTICLE 10

Le droit aux allocations peut être subordonné à l'acceptation, dans des conditions à déterminer par la législation nationale, d'un emploi à des travaux de secours organisés par une autorité publique.

ARTICLE 11

1. Le requérant peut être disqualifié du droit aux indemnités ou aux allocations pendant une période déterminée s'il refuse d'accepter un emploi convenable. Ne sera pas considéré comme convenable :

- a) un emploi dont l'acceptation par le requérant pourrait lui porter préjudice dans l'exercice ultérieur de sa profession ou mettre en péril sa santé ou sa moralité ;
- b) un emploi dont l'acceptation comporterait la résidence dans une région où il n'existe pas de possibilités de logement appropriées ;

- (c) if the rate of wages offered is lower, or the other conditions of employment are less favourable than the standard generally observed at the time in the occupation and district in which the employment is offered ; or
- (d) if the situation offered is vacant in consequence of a stoppage of work due to a trade dispute.

2. A claimant may be disqualified for the receipt of benefit or of an allowance for a prescribed period :

- (a) if he has lost his employment as a direct result of a stoppage of work due to a trade dispute ;
- (b) if he has lost his employment through his own misconduct or has left it voluntarily without just cause ;
- (c) if he has tried to obtain fraudulently any benefit or allowance ;
- (d) if he fails to comply with the instructions of a public employment exchange or other competent authority with regard to applying for employment.

3. A claimant who on leaving his employment has received from his employer in virtue of his contract of service compensation substantially equal to his loss of earnings for a certain period may be disqualified for the duration of that period for the receipt of benefit or of an allowance.

ARTICLE 12

The right to receive benefit or an allowance may be limited in duration to a period which shall not normally be less than 156 working days per year, and shall in no case be less than 78 working days per year.

ARTICLE 13

1. Benefit shall be payable irrespective of the needs of the claimant.

2. The right to receive an allowance may be made conditional upon the claimant offering such proof of need as may be prescribed by national laws or regulations.

ARTICLE 14

1. Benefit shall be payable in cash, but supplementary grants made from insurance funds to facilitate the re-employment of an insured person may be in kind.

2. Allowances may be in kind.

ARTICLE 15

In any dispute concerning benefit or allowances the claimant shall have a right of appeal to a special tribunal.

- c) un emploi comportant une rémunération moins élevée ou des conditions moins favorables que celles qui sont généralement observées à la même époque, dans la profession et dans la région où l'emploi est offert ;
- d) un emploi se trouvant vacant en raison d'une cessation de travail due à un conflit professionnel.

2. Le requérant peut être disqualifié du droit aux indemnités ou aux allocations, pendant une période déterminée :

- a) s'il a perdu son emploi en raison directe d'une cessation de travail, due à un conflit professionnel ;
- b) s'il a perdu son emploi par sa propre faute ou s'il l'a quitté volontairement sans motifs légitimes ;
- c) s'il a essayé d'obtenir frauduleusement une indemnité ou une allocation ;
- d) s'il ne se conforme pas, pour retrouver du travail, aux instructions d'un bureau de placement public ou de toute autre autorité compétente.

3. Tout requérant qui, en quittant son emploi, a reçu de son employeur, en vertu de son contrat de travail, une compensation substantiellement égale à sa perte de gain durant une période donnée, peut être disqualifié du droit aux indemnités et allocations pour la durée de cette période.

ARTICLE 12

Le droit de recevoir des indemnités ou des allocations peut n'être accordé que pendant une période limitée qui devra n'être pas normalement inférieure à 156 jours ouvrables par an et n'être, en aucun cas, inférieure à 78 jours ouvrables par an.

ARTICLE 13

1. Le paiement des indemnités ne sera pas subordonné à l'état de besoin du requérant.

2. Le droit aux allocations peut être subordonné à la constatation, dans des conditions à déterminer, par la législation nationale, d'un état de besoin du requérant.

ARTICLE 14

1. Les indemnités doivent être payées en espèces ; mais des prestations supplémentaires destinées à faciliter la remise du chômeur au travail peuvent être attribuées en nature.

2. Les allocations peuvent être attribuées en nature.

ARTICLE 15

Dans tout différend relatif aux indemnités ou allocations, le requérant aura le droit de recourir à un tribunal spécial.

ARTICLE 16

1. The payment of benefit and allowances may be withheld from any unemployed person while he is resident abroad.

2. Special provisions may be prescribed for frontier workers employed in one country and resident in another.

ARTICLE 17

Any Member may withhold from the nationals of any State or Member for which this Convention is not in force equality of treatment with its own nationals in respect of payments from funds to which the claimant has not contributed.

ARTICLE 16

1. Le paiement des indemnités et allocations peut être refusé à tout chômeur pendant qu'il réside à l'étranger.

2. Un régime spécial peut être établi pour les travailleurs frontaliers qui ont leur lieu de travail dans un pays et leur lieu de résidence dans un autre.

ARTICLE 17

Tout Membre peut refuser, aux ressortissants de tout Etat ou Membre à l'égard duquel la présente convention n'est pas en vigueur, l'égalité de traitement avec ses propres ressortissants au sujet des paiements provenant de fonds auxquels le requérant n'a pas contribué.

PROPOSED RECOMMENDATION CONCERNING UNEMPLOYMENT INSURANCE AND VARIOUS FORMS OF RELIEF FOR THE UNEMPLOYED

The Conference,

Having adopted a Draft Convention concerning unemployment insurance and assistance ;

Considering that this Draft Convention lays down the minimum conditions to be complied with by every scheme of unemployment insurance and assistance ;

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a satisfactory organisation of unemployment insurance and assistance ;

Recommends that each Member should take the following principles and rules into consideration :

1. In countries where compulsory insurance against unemployment is not in operation, steps should be taken to create such a system as soon as possible.

2. In countries in which compulsory or voluntary insurance schemes are in operation, a complementary assistance scheme should be maintained to cover persons who have exhausted their right to benefit, and in certain cases those who have not yet acquired the right to benefit ; this scheme should be entirely independent of the ordinary arrangements for the relief of destitution.

3. All schemes for the payment of unemployment benefit or allowances should cover not only persons who are wholly unemployed, but also persons who are partially unemployed. A person should be deemed to be partially unemployed if his remuneration has been reduced by not less than one-third as compared with his normal remuneration.

4. (a) Unemployment insurance and assistance schemes should be applied as soon as possible to all persons who are employed under a contract of service, and to persons employed under a contract of apprenticeship with money payment. If, however, exceptions are considered necessary, they should be confined within the narrowest possible limits.

(b) Such persons should be covered either by insurance or assistance until they reach the age at which they are entitled to an old-age pension.

PROJET DE RECOMMANDATION CONCERNANT L'ASSURANCE-CHOMAGE ET LES DIVERSES FORMES D'ASSISTANCE AUX CHOMEURS

La Conférence,

Ayant adopté un projet de convention concernant l'assurance ou l'assistance en cas de chômage ;

Considérant que ce projet de convention établit les conditions minimums auxquelles devraient répondre tout système d'assurance ou d'assistance en cas de chômage ;

Estimant qu'il y a intérêt à déterminer quelques principes généraux qui se dégagent de l'expérience comme les plus propres à contribuer à une organisation satisfaisante de l'assurance et de l'assistance en cas de chômage ;

Recommande à chaque Membre de prendre en considération les principes et règles suivants :

1. Dans les pays où il n'existe pas de système d'assurance obligatoire contre le chômage, des mesures devraient être prises pour introduire aussitôt que possible un système de ce genre.

2. Dans les pays où fonctionnent des systèmes d'assurance obligatoire ou facultative contre le chômage, un système d'assistance complémentaire devrait être institué de façon à couvrir les personnes qui ont épuisé leur droit à des indemnités et, en certains cas, celles qui n'ont pas encore acquis le droit d'en toucher ; ce système devrait être complètement indépendant des mesures ordinaires visant l'assistance aux indigents.

3. Tout système comportant le paiement aux chômeurs d'indemnités ou d'allocations devrait couvrir non seulement les personnes en chômage complet, mais encore celles dont le chômage est partiel. Devrait être considérée comme étant en chômage partiel, toute personne dont la rémunération se trouve réduite d'un tiers au moins par rapport à son montant normal.

4. a) Les systèmes d'assurance ou d'assistance en cas de chômage devraient être appliqués aussitôt que possible à toute personne employée en vertu d'un contrat de travail, ainsi qu'à toute personne employée en vertu d'un contrat d'apprentissage prévoyant une rétribution en espèces. Dans le cas où des exceptions à cette règle paraîtraient indispensables, elles devraient être restreintes au strict minimum.

b) Les bénéficiaires de ces systèmes devraient être couverts soit par l'assurance, soit par l'assistance jusqu'à l'âge où ils ont le droit de toucher une pension de vieillesse.

(c) If circumstances make it difficult to apply the general provisions relating to unemployment insurance to a particular class of workers, special arrangements should be made for the insurance of such workers. These special arrangements should aim in particular at ensuring adequate proof of unemployment and at adapting the benefit to the normal earnings of the workers concerned.

(d) Whenever possible, and in particular whenever satisfactory measures of supervision can be applied, special provision should be made for the relief of persons of comparatively small means working on their own account who are unemployed.

5. Where it is considered advisable to fix a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as are in receipt of remuneration sufficiently high to enable them to make provision by themselves against unemployment.

6. The qualifying period permitted by the Convention should not exceed twenty-six weeks' employment in an occupation covered by the scheme, or the payment of twenty-six weekly contributions or the equivalent, within twelve months preceding the claim for benefit, or alternatively fifty-two weeks' such employment, or fifty-two weekly contributions or the equivalent, within twenty-four months preceding the claim for benefit.

7. The period during which benefit is payable under national laws and regulations should be as long as is consistent with the solvency of the scheme; and every effort should be made to pay allowances as long as claimants are in need of them.

8. Subject to the provisions of Article 8 of the Draft Convention concerning short spells of unemployment and of paragraph 3 of the present Recommendation concerning partially unemployed persons, the waiting period permitted by the Convention should not exceed eight days per spell of unemployment.

9. In deciding whether employment in an occupation other than that in which a claimant has previously been engaged is "suitable employment" for the purpose of the disqualification permitted by the Convention, account should be taken of the length of the claimant's service in the previous occupation, his chances of obtaining work in it, his vocational training, and his suitability for the work.

10. Disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute should be confined to cases in which the claimant is directly interested in the dispute, and should in all cases cease when the stoppage of work ceases.

c) Au cas où des difficultés s'opposeraient à l'application à une catégorie particulière de travailleurs des règles générales régissant l'assurance-chômage, des arrangements spéciaux devraient être pris afin de rendre possible l'assurance de cette catégorie. Ces arrangements spéciaux devraient avoir pour but notamment de permettre d'établir avec une certitude suffisante la réalité du chômage et d'adapter les indemnités aux gains normaux des travailleurs intéressés.

d) Dans toute la mesure du possible et en particulier lorsque des mesures satisfaisantes de contrôle peuvent être appliquées, des dispositions spéciales devraient être prises pour aider en cas de chômage les travailleurs indépendants économiquement faibles.

5. Lorsqu'il est jugé opportun d'établir un maximum de rémunération comme condition d'assujettissement à l'assurance, ne devraient être exclus à ce titre que les travailleurs qui reçoivent une rémunération assez élevée pour se prémunir eux-mêmes contre le risque de chômage.

6. La période de stage prévue par la convention ne devrait pas dépasser 26 semaines d'emploi dans une occupation couverte par le système en vigueur ou le paiement de 26 cotisations hebdomadaires ou de leur équivalent, pendant les douze mois précédant la demande d'indemnité, ou encore 52 semaines d'emploi ou 52 cotisations hebdomadaires ou leur équivalent dans les mêmes conditions pendant les vingt-quatre mois précédant la demande d'indemnité.

7. La période durant laquelle la législation nationale prévoit que des indemnités seront versées devrait être aussi longue que le permet la solvabilité du système ; et tout effort devrait être fait pour le paiement d'allocations aussi longtemps que les requérants en ont besoin.

8. Le délai de carence que la convention permet d'instituer ne devrait pas dépasser huit jours par période de chômage, réserve faite de ce qui est prévu au sujet des brèves périodes successives à l'article 8 du projet de convention, et au sujet des chômeurs partiels au paragraphe 3 de la présente recommandation.

9. Lorsqu'il s'agit de déterminer si un emploi offert à un requérant dans une profession autre que celle qu'il a précédemment exercée constitue bien un « emploi convenable » dont le refus peut entraîner la disqualification du requérant autorisée par la convention, il doit être tenu compte du temps de service de l'intéressé dans la profession précédente, des chances qu'il peut avoir d'y retrouver un emploi, de sa formation professionnelle, de ses aptitudes au travail proposé.

10. La disqualification du droit aux indemnités ou aux allocations en cas de perte d'emploi en raison d'une cessation de travail due à un conflit professionnel ne devrait être appliquée qu'aux requérants qui sont directement intéressés dans le conflit en question et cette disqualification devrait de toute façon cesser lorsque l'arrêt du travail prend fin.

11. (a) The obligation to attend a course of vocational or other instruction permitted by the Convention as a condition for the receipt of benefit or allowances should be imposed only if the unemployed persons will derive an advantage therefrom either from the point of view of their morals or of their vocational or general capabilities.

(b) In imposing on unemployed persons an obligation to accept work on relief works account should be taken of their age, health, previous occupation and suitability for the work in question.

12. Part of the money available for the payment of benefit or allowances should be used for the purpose of facilitating the return of the unemployed person to normal employment, such as vocational and other training, and the payment of fares to unemployed persons who find employment in a district other than that in which they have been residing.

13. There should be a periodical review by the competent authority of the financial position of insurance funds in order that they may be kept as far as possible solvent and self-supporting.

14. An emergency fund should be created for the purpose of ensuring the payment of the benefit or allowances provided for under national laws or regulations during periods of particularly severe unemployment.

15. Provision should be made for the participation of representatives of the contributors in the administration of insurance schemes.

16. Equality of treatment should not be withheld from the nationals of a Member which has not ratified the Convention if that Member does in fact effectively apply its provisions.

17. States should regulate by means of bilateral agreements with neighbouring States the conditions under which benefit or allowances shall be paid to unemployed workers in frontier zones who have their residence in one country and who work in another.

18. The recommendation contained in paragraph 10 of the Recommendation concerning the general principles of invalidity, old-age and widows' and orphans' insurance, which relates to the public authorities giving financial assistance for the acquisition, conservation and improvement of the rights of unemployed insured persons, should also be applied in the case of sickness insurance.

11. a) L'obligation de fréquenter un cours d'enseignement professionnel ou autre à laquelle la convention permet de subordonner le versement d'indemnités ou d'allocations ne devrait être imposée que dans les cas où le chômeur doit en retirer un avantage soit d'ordre moral, soit pour ses capacités professionnelles ou générales.

b) Lorsque l'obligation est imposée à des chômeurs d'accepter un emploi à des travaux de secours, il doit être tenu compte de l'âge, de l'état de santé et de la profession précédemment exercée par les intéressés, ainsi que de leur aptitude pour le travail dont il s'agit.

12. Une partie des sommes disponibles pour le paiement d'indemnités ou d'allocations devrait être employée à faciliter la remise des chômeurs au travail, par exemple grâce à un enseignement professionnel ou autre ou au paiement de frais de transport aux chômeurs trouvant à s'employer dans un district autre que celui de leur résidence.

13. La situation financière des caisses d'assurance devrait être examinée périodiquement par les autorités compétentes, de façon à assurer autant que possible leur solvabilité et l'équilibre de leurs dépenses et de leurs recettes propres.

14. Un fonds de crise devrait être créé pour assurer pendant les périodes de chômage particulièrement intense le paiement des indemnités ou allocations prévues par les lois et règlements nationaux.

15. Des mesures devraient être prises pour la participation de représentants des cotisants dans l'administration des systèmes d'assurance.

16. L'égalité de traitement ne devrait pas être refusée aux ressortissants d'un Membre qui n'aurait pas ratifié la convention, lorsque ce Membre en applique effectivement les dispositions.

17. Les Etats devraient régler, par voie d'accords bilatéraux conclus avec les Etats voisins, les conditions dans lesquelles les indemnités ou allocations doivent être versées aux chômeurs des régions frontalières qui ont leur lieu de résidence dans un pays et leur lieu de travail dans un autre.

18. La recommandation contenue au paragraphe 10 de la recommandation concernant les principes généraux de l'assurance invalidité-vieillesse-décès et qui vise le concours financier des pouvoirs publics en vue de l'acquisition, de la conservation et de l'amélioration des droits des assurés réduits au chômage devrait être appliquée également en matière d'assurance-maladie.

